

CALL TO ORDER: AT 7:01 P.M. by Chairman Ken Loury
OPEN PUBLIC MEETING LAW STATEMENT OF COMPLIANCE AND FLAG SALUTE

ROLL CALL: Chairman Ken Loury, Mayor William Chegwiddden, Councilwoman Nicole Wickenheisser, Charlotte Kelly, Patrick O'Brien, Peter Rathjens, Brian Bosworth, Christopher Fleischman, Barbara Chiappa and Ana Jones

EXCUSED: Marc Harris

OTHER BOARD PROFESSIONALS PRESENT: Alan Zakin, Board Attorney; Christopher Borinski, Board Engineer; Jessica Caldwell, Board Planner and Desi Ruffo, Board Secretary.

Motion by Barbara Chiappa and seconded by Christopher Fleischman approve the minutes as presented.

YEA – 5 NAY – 0 ABSTAIN - 5 ABSENT – 1

Motion by Christopher Fleischman and seconded by Barbara Chiappa to approve the bills as presented.

YEA – 9 NAY – 0 ABSTAIN - 1 ABSENT – 1

DISCUSSION:

100 East Dewey: Flood Hazard Application Letter dtd 09-01-22

C. Borinski, Board Engineer: This is part of the DEP permit application for Flood Hazard and Wetlands, they have to send public notice to: all property owners within 200ft of the site, the Board Chairman, the Environmental Commission, the Soil Erosion District. A full copy of the application is also mailed to the Clerk for public access. The Flood Hazard Permit typically has a 90-day approval period, once the application is complete. This notice is required for the permit application. Eventually, they will need to submit a site plan approval.

NEW BUSINESS:

Wharton 15 Developers, LLC
320 Route 15
Block: 801 Lot: 7.01

Applicant Attorney: Katherine Coffey, ESQ of Day Pitney This property is located in the B-2 Regional Business District zone. The applicant has applied for a Preliminary and Final site plan as well as variances and design waivers. The applicant is proposing to demolish the current Townsquare Diner and construct an approximately 11,000 sq. ft. building that will include two business and professional office spaces and two eating and drinking establishments. One of the eating and drinking establishments will have a drive-thru window. There are 57 parking spaces proposed on lot 7.01 and an additional 15 parking spaces on lot 7.05, which is where the Bob's Furniture store is located; there's a shared parking agreement between the Bob's store and the lot that's the subject of the application that will permit the 15 spaces to be utilized on the Bob's store site. There is a pre-existing deeded cross access easement for Lots: 7.01 and 7.05.

Applicant Witness: Matthew Sharo (Project Engineer/Project Planner of Dynamic Engineering, Lake Como): *First duly sworn.* Presented Exhibit A-1-10-11-22 Colorized Aerial Map dated 10/11/22; Exhibit A-2-10-11-22 Aerial Overlay dated 10/11/22; and Exhibit A-3-10-11-22 Site Plan Rendering dated 10/11/22. The applicant is proposing four different uses in one building. The proposed building is 11,026 square feet. The following are proposed: Aspen Dental - 3,526 square feet; CityMD Urgent Care - 3,619 square feet; Jersey Mikes - 1,248 square feet and the Panda Express - 2,633 square feet with a drive-thru window located on the south side of the building. Overall, the project will reduce impervious coverage; existing today is 82.7% and the proposed is 80.9%, the reduction is about 1,000 square feet of impervious coverage. Access points will essentially remain the same getting in and out of the site.

Currently there are two access points off of Route 15; there is an “Enter Only” on the north side of the site and an “Exit Only” on the south side of the site. Other access points to the site are an existing cross access to the northwest corner of the Bob’s store and another cross access to the southeast corner that connects the parking for Bob’s and runs along the south side of the site and connects into the applicants’ site.

The hours for Aspen Dental will be Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturdays and Sundays by appointment only. The office will have a total of 8 employees:

(1 - Dentist, 1 - Office Mgr., 1 - Hygienist, 2 - Office Assistants, 2 - Dental Assistants and 1 - Lab Tech.). Once the office is running the only deliveries will be via box truck or mail truck (UPS/FedEx) for supplies. They will have a trash enclosure as shown on Exhibit A-3; there is a proposed shared trash enclosure for CityMD and Aspen Dental on the northeast corner of the site, that will be typically removed by a private hauler once a week. The site currently has a trash enclosure that is used by the restaurant. CityMD hours of operation are Monday through Friday, 8:00 a.m. to 8:00 p.m. and Saturdays and Sundays 8:00 a.m. to 5:00 p.m.; there are 6 employees at this office regularly (1 – Doctor and 5 – Support Staff). Similar to City Dental, this office will not produce very much garbage. Jersey Mikes hours will be 10:00 a.m. to 9:00 p.m., 7 days a week; with 3-4 employees per shift depending on lunch and dinner shifts. Deliveries will be 2-3 times per week by tractor trailer, and then as needed for paper goods via box truck or UPS. The applicant has proposed two trash enclosures at the southwest corner, one for Jersey Mikes and one for Panda Express. The Jersey Mikes trash removal, which includes recycling, will be 2-3 times per week by a private hauler, typically occurring during the morning hours. The Panda Express hours are Sunday through Thursday, 11:00 a.m. to 9:30 p.m.; Friday and Saturday 11:00 a.m. to 10:00 p.m. A typical shift will have three employees; deliveries 1-2 times per week by tractor trailer during early morning hours prior to opening. The trash removal, which will include recycling, will take place 2-3 times per week during the early morning hours by a private hauler. The drive-thru lane will be used before any employees are on-site to unload and get in and out of the site quickly before the arrival of employees and patrons.

There are 72 parking spaces required and the applicant is proposing 57 spaces and an extra 15 spaces to the south of the site that are dedicated for this center to utilize, bringing the total on and off-site parking to meet the 72 required. There is a recorded easement agreement that provides the applicant 15 parking spaces and provides access for Bob’s store customers to the applicants egress out to Route 15. There is also another easement shared between Bob’s and Shop Rite that is also recorded in their respective deeds.

A. Zakin, Board Attorney: The applicant will provide an agreement with the owner of the Bob’s property that they have consented to the new ownership in the site plan and continue that easement.

M. Sharo, continued: The applicant would agree appropriate updates to the existing sign informing patrons of the additional parking. Two ADA spaces with driver side access and one addition ADA space with passenger side access are proposed; 9x18 as required by ADA code, no variance is required. There are two Panda Express pick-up stalls proposed, ten dedicated Aspen Dental stalls, and two EV ready charging stalls on the northwest corner adjacent to the trash enclosure. Employees would park in the rear parking spaces for access to the rear of the building; there will be no general public access at the rear of the building. No loading zones are proposed. The applicant is requesting a variance and a waiver for the setback from the front property line; there is a requirement of 15 feet for accessory structures or accessory uses and buffer and 11.8 feet is proposed. A total of three masonry block wall trash enclosures with front gates are proposed, all will be eight-feet tall; one enclosure will contain a “side-man door”, providing access through the side of the enclosure. There will be a striped concrete area, in case the dumpster needs to be rolled out.

The applicant is requesting a variance for an accessory structure, 8 feet is required and 1.5 feet from the property line is proposed and one area at the property line that is 2.4. There are sidewalks along the front and rear of the building, a crosswalk in front of the drive-thru stop bar to allow safe access for patrons who park in the off-site parking.

All new fixtures are proposed; LED (high efficiency fixtures). Jersey Mikes sign will have a halo lit sign. The ordinance requirement has 0.5-foot candle average and a 0.3-foot candle at the property; the applicant is proposing a maximum average of 1.49. The proposed lighting design is consistent with commercial restaurant uses to provide safety to patrons. Some areas will be more intense as the roadways should be properly lit.

The applicant requests a variance for a light pole within eight feet of a shade tree, not consistent with the ordinance; which requires ten feet. A waiver is being requested for the shade trees at 40 to 60 feet apart, all shade trees proposed will be six feet tall or higher.

Shade trees within the islands will be added around the entire site, the island between the Bob's store and applicants' property will be expanded to create more green space; the applicant will maintain the island. Landscaping will not produce excessive shade to any adjacent properties.

Stormwater will be tied into the pre-existing manhole, in today's conditions the conveyance system on the diner site ties into the DOT right-of-way and the system that runs through a 15-foot drainage easement that's between the Bob's store and this existing lot; this configuration will remain. The new electric will tie into the existing infrastructure. Any of the existing wayfinding signs or directional signs will remain. The existing signs will be resurfaced and remain internally illuminated as it is today. The billboard sign will remain on the corner. There will be a sign for each use, a sign for Aspen Dental will be on the side of the building for visibility purposes to travelers coming down Route 15, a sign in the rear of the building for visibility purposes from potential Bob's store and Shop Rite customers. Panda Express will have a sign above their drive-thru to signify the drive-thru area. A total of 13 signs is proposed, the applicant has agreed to reduce the front signs to the permitted size.

C. Borinski, Board Engineer: Informed the applicant that typically the police department requests Title 39, applicant confirmed they have no issues with that.

Applicant Witness: Justin Taylor (Traffic Engineer of Dynamic Engineering - Lake Como): *First duly sworn.* There are two access points under the jurisdiction of the NJDOT. There was a preapplication meeting held in the summer as it is a requirement to apply to them for a major access permit. It is proposed to modify the southern egress driveway. The department wanted to force a right-turn out of the driveway and that is what led to this design. This proposed site provides "trip training" – patrons can make two stops at once. Panda Express does not open until 11:00 a.m., they will not be serving breakfast, so there's capability for an 8:00 a.m. delivery time and make sure the trucks keep to the western and southern sides of the property so as not to interfere with the medical uses and the parking spaces on the northside. The actual drivers will be able to turn a little tighter than what is shown in the modeling. The parking ordinance requires 1 space per 150 square feet for medical offices and 1 per 3 seats for restaurants. The requirement will be 72 parking spaces and with the easement agreement and the 57 on site spaces, the applicant will have the full 72 spaces. Two spaces will be dedicated to Panda Express, it's not necessary to remove them as Panda Express requires 17 parking spaces for the 50 seats, two of them can be used for pick-up. There is sufficient capacity to accommodate the additional traffic. Mr. Taylor has reviewed the parking circulation and believes that the burden has been met. From a traffic standpoint, Taylor does not find any detriment to the granting of the proposal.

Applicant Witness: Eric Kelly (Director of Construction at Paramount Realty, Lakewood; Contract Purchaser): *First duly sworn.* Paramount Realty are long-term holding developers, there are four signed leases that they are entering into, as such every tenant has permitted uses, what they are and are not allowed to do. The blue "canopies" over Jersey Mikes and Aspen Dental are more of a shed style as opposed to CityMD and Panda Express which have more of the flat canopy style, the flat styles cannot have a fabric material. The building will be sprinklered.

K. Coffey, Applicant's Attorney: *Submitted Exhibit A-4 Exterior Building Elevations dated 10/11/22:*

The metal canopy is a design waiver, they last longer and look better over time. Rooftop equipment will be screened by parapets that are on the building.

E. Kelly, continued: The parapet stands up above the roofline in order to screen all the rooftop equipment, so a passerby will not be able to see it going inside. A sign band was created and 10 feet was targeted as being the lowest point. All signs are internally illuminated.

K. Coffey, Applicant's Attorney: A variance has been identified and requested with respect to the sign projections, however they are withdrawing that request.

Chairman Loury: We've had other developers realize that including certain promise/approved design elements/materials are going to cost more than originally budgeted; if this is what's presented to our experts are you going to make sure it's delivered?

K. Coffey, Applicant's Attorney: I am committed, this is what I told the applicants I was going to give them.

A. Zakin, Board Attorney: Would you agree to a condition that the esthetics of the façade match what was presented this evening.

K. Coffey, Applicant's Attorney: Yes, that's acceptable.

Chairman Loury: There was testimony on the visibility of the parapets, that should be a condition as well.

K. Coffey, Applicant's Attorney: That would also be acceptable. It will be a condition of approval to put a requirement in the lease agreements with the tenants, that tractor trailer deliveries will only occur during non-business hours.

Chairman Loury: So, there is no confusion, it should be included that the monument sign on the street will remain on even when the building signs are off.

A. Zakin, Board Attorney: you're ok with a condition that the dimming of the exterior lighting after hours could be at the direction of Borough officials in terms of the intensity of the light?

K. Coffey, Applicant's Attorney: Yes.

C. Borinski, Board Engineer: I have no questions, but the plan presented appears well thought out and well executed, very impressive.

M. Sharo, Project Engineer/Project Planner: Three variances are associated with this application:

1. Impervious coverage, we're permitted 70 percent and are proposing 80.9 percent, a reduction of the existing conditions of about 1,000 square feet.
2. Accessory use in the front yard, there's a 15-foot requirement and 11.8 feet is proposed.
3. Accessory structure in the rear yard, the side yard/rear yard both are the same requirement; 8-feet is required and 1.5-feet is proposed.

J. Caldwell, Board Planner: The parking and four loading bays are variances, the setback for the off-street parking is a variance.

K. Coffey, Applicant's Attorney: *Submitted to the Board Secretary a copy of the recorded easement.* A design waiver is proposed for the proximity of the shade trees to the light fixture, and the requirement of shade trees being 40-60 feet apart

J. Caldwell, Board Planner: The purpose for that is so trees don't interfere with the lights or vice versa and the trees don't grow into each other; maybe agree the keep them trimmed and maintain them so there are no issues.

A. Zakin, Board Attorney: You're okay with that being a condition?

K. Coffey, Applicant's Attorney: Yes, and we will agree to the dimming at night to reduce the (light) intensities. Last is the depressed curb width, ordinance requires between 35 and 50 feet; 55.3 feet is proposed, and that is meant to be more compatible for tractor trailers.

M. Sharo, Project Engineer/Project Planner: That was something required from NJDOT to promote the right-hand turns out of the site as well as allow tractor trailers to exit the site. A depressed curb maintains the gutter flow of stormwater so that the gutter flow doesn't come into the driveway.

K. Coffey, Applicant's Attorney: We are looking for Preliminary Final Site Plan approval, there's a variance for impervious coverage deviation impervious coverage is improved as compared to existing conditions. There's a variance and also a design waiver for the parking its 11.8 feet from the front line as opposed to the 15-feet which is required for accessory structures and parking. There is a variance for the trash enclosure that's in the southwestern corner of the site where 8-feet is required. Design waivers for: the number of signs, internal illumination for the signs, halo lighting for the Jersey Mikes, the color of the awnings and use of metal instead of canvas or cloth material.

A. Zakin, Board Attorney: One of the conditions I have is that the Police and Fire approve the plans.

Mayor Chegwiddden: Asked if the liquor license is being purchased.

E. Kelly: Responded: Will review the agreement of sale and speak with the people who constructed it to determine whether or not the applicant is purchasing the liquor license. Looking to have tenants open for business somewhere around the end of July, typically tenants take about two months after me to get open for business.

P. Rathjens: Asked if that timeframe included NJDOT compliance and approval.

K. Coffey, responded: There is a 9-month lead on the DOT approval on the outside, which should be completed by the end of the summer.

A. Zakin, Board Attorney: Signage and striping will be approved by professionals. Title 39 will be maintained. The applicant will maintain the island adjacent to the neighboring property as discussed on the record. The ADA spaces, not a condition but applicant has proposed three where two are required. The circulation of the tractor trailers will be approved by the Board Professionals and Police and Fire Departments. The trajectory of the trailers will be able to enter to west and the south of the building on the property site. There will no unloading in the Shop Rite. Trash removal and deliveries of goods will occur prior to opening. The lighting will be dimmed as per Borough approval for after hours. There will be exterior lighting. The snow removal will be hauled when more than one parking space is unusable. The esthetics of the façade will be maintained as submitted to the board this evening. The roof will be screened as presented. The signage lighting will be from 7:00 a.m. to 11:00 p.m. The applicant will add language to the lease that there will be no tractor trailer deliveries during business hours.

A motion by Mayor Chegwiddden and seconded by Peter Rathjens to approve the application as presented to the board.

YEA - 10 NAY - 0 ABSENT - 1

ADJOURNMENT AT 9:25 P.M.

Respectfully submitted,



Desi Ruffo

Planning Board Secretary