

Zoning Board of Adjustment
1200 Mountain Ave., Middlesex, NJ 08846
Agenda Meeting Minutes
September 17, 2014
7:30 PM

1. Call to Order

Chairperson DiMura called the meeting to order at 7:37pm.

2. Open Public Meeting Act Statement

Chairperson DiMura read the Open Public Meeting Act Statement.

3. Roll Call

Upon the call of the roll the following members were present John Anello, Ron DiMura, Joseph McNulty, Anthony Vietri, Phil Lopa and Anthony Thompson.

Also present was Board Attorney Ms. Joan Dowling and Uzo Ahairakwe, Board Engineer.

4. Minutes

Member Anello made a motion to approve the minutes of the July 16 2014 meeting, seconded by Member Thompson. Vote: Member Anello- yes, Member DiMura –yes, Member McNulty-yes, Member Vietri-yes, Member Lopa-abstain, Member Thompson-yes. Motion passed.

5. Old Business

Z2014-01
McDonald's
125 Bound Brook Rd.
Block 6 Lot 2A

Mr. John Marmora stated that McDonald's had brought the requested changes from the last meeting to Levin Management.

Mr. Marmora stated the Mr. Bohler would present the changes to the Board.

Mr. Bohler stated that there would be a railing along the corner of the Acme located by the pedestrian lane and fencing along the property line.

(Member Joseph Waide arrived at 7:40 pm)

Mr. Marmora stated that there would be a drainage easement with the Dollar Store. Mr. Bohler gave a quick overview of the proposed McDonald's with the side by side drive through.

Mr. Bohler stated the following changes had been made to the site plan: upgrades per the DOT Comments, ADA spaces were relocated, an easement agreement with the neighboring property, a full lighting study was conducted, post and rail fence along the property line of the Dollar Store, ADA accessible path added, railing along the southeast corner of the Acme building to guide pedestrians, crosswalk with the reflective paint to front door, pedestrian signs.

Member Anello asked how many stop signs would be on the property.

Mr. Bohler stated that there would be two stop signs.

Member Thompson asked where the shopping cart returns would be located.

Mr. Bohler stated that the shopping cart returns would be in the middle isle in front of the Acme.

Chairperson DiMura asked if the railings would be able to be extended from the side to the front of Acme to avoid foot traffic in the drive isle.

Mr. Marmora stated that these items would need to be approved by Acme.

Chairperson DiMura questioned the size of the parking spots.

Mr. Bohler stated that a compliant parking spot size is 10 x 19, where the McDonalds parking spot size would be 10 x 18.

Mr. Ahairakwe stated that there was a discussion on the crosswalk whether there should be a hump as currently proposed the crosswalk was flat.

Mr. Marmora stated that most likely Acme would say no because of the plowing that needs to be done in the winter.

The Board discussed whether the crosswalk should be raised so it would not be used as a cut through in the parking lot.

Mr. Marmora stated that it could be done as a condition of approval.

Ms. Dowling suggested that McDonald's could agree to maintain the crosswalk in an easement agreement.

The Board members questioned the loading dock area in the back of Acme and what time would McDonald's deliveries be.

Mr. Bohler stated that the delivery times are 9am to 11am or 1pm to 4pm; the delivery truck would be accessing the site from Bound Brook Rd.

Member Anello questioned the curb extension and grading levels.

Mr. Bohler explained the curb extension and the grading.

Chairperson DiMura asked where the trash enclosure would be located.

Mr. Bohler stated the 20 x 20 trash enclosure would be on the northeast corner of the property about 15 to 20ft away from the Dollar Store.

The Board discussed the drainage pipe shown on the site plan for drainage, questioning who actually owns the pipe and if there were easements on the property, questioning the grading for the drainage that leads to this pipe.

Mr. Marmora stated that there were title searches conducted on both properties and nothing had been found, this could be added to the easement agreement.

Ms. Dowling questioned if the applicant would be applying to the DEP for a permit.

The applicant would be applying to the DEP for a permit.

Member Anello stated that one of the notes on the site plan needed to be fixed, the arrow was pointing to the wrong spot.

Member McNulty questioned if this McDonald's would be a 24 hour operation.

Mr. Bohler stated that this McDonald's would be a 24 hour operation.

Member Thompson questioned why the applicant had chosen this particular location.

Mr. Marmora stated that this parking lot was never full and takes advantage of the location of the commuter routes especially for breakfast and coffee.

Member Thompson questioned if there were any plans for the existing McDonald's.

Mr. Marmora stated that there were no plans for the existing McDonald's.

Chairperson DiMura commented that the new McDonald's would affect the existing Mc Donald's.

Mr. Marmora stated there would be a long terms lease established then a franchisee would be picked for the new location.

Chairperson DiMura questioned the railing alongside Acme and moving the three handicapped parking spaces.

Mr. Bohler stated the three handicapped parking spaces could be moved and explained where in proximity to the front of the Acme the spots would be located, and the railings could be extended.

The Board reviewed the Engineers letter from May 7, 2014 from Michael Cole and Associates and the Bohler Engineering letter dated July 25, 2014, Ms. Dowling confirmed that these were the only written comments and that the Engineers had met in June to discuss changes to the site plan.

Mr. Uzo Ahairakwe stated that there were outstanding items that need to be clarified.

The Board reviewed Michael Cole's letter dated May 7, 2014 items 4C parking analysis and 4D Site Access and Circulation.

Mr. Bohler testified to these items using Exhibit A and explained that a NJ DOT application with the grading plan has been submitted.

The Board reviewed item #E Storm Water Management from the Engineering letter, stating the need for an easement as earlier testified tonight.

The Board reviewed item F, Landscaping, Screening and Buffering from the Engineering letter, stating no exceptions from F (a) - F (k).

The Board reviewed item G, Site Lighting from the Engineering letter: the applicant shall maintain and match colors of the lights, G(1)- G(3) items were shown on the revised plan, items G(4)- G(6) all items have been revised.

The Board reviewed item H, Site Signage from the Engineering letter, H(6) details were added regarding the freestanding sign, types of lights are mercury and LED lights, isolex drawing was provided to the Engineer.

The Board reviewed item J, Lot Consolidation from the Engineering letter: the lots are not going to be consolidated, the applicant confirmed.

The Board reviewed K, General Comments from the Engineering letter: K (1)-K (11) items were addressed with testimony, K (3) clarified that the highlighted areas on the plan will have new pavement, K (5) clarified that there will be no reserved parking spaces.

Mr. Marmora stated that there would be a shared parking agreement.

Member Anello questioned item K (4) regarding the speaker volume.

Mr. Bohler stated that the McDonald's would be compliant, the speakers automatically adjust also employees can adjust the volume.

The Board reviewed item K (9) from the Engineering letter regarding utilities; the old water service line was not shown on the plans.

The Board reviewed item #7, Outside Agency Approvals from the Engineering letter.

Mr. Bohler stated that McDonald's would comply with obtaining proper approvals.

Mr. Uzo Ahairakwe reviewed the board's request to have the railing extension on the outside of the building and requested that it not interfere with the fire marshall access and make a condition of approval.

Chairperson DiMura asked Mr. Ahairakwe about the site traffic flow.

Mr. Ahairakwe stated that the hump should be in the crosswalk and have reflective painting.

Member Anello questioned the existing shrubbery height.

Mr. Bohler stated that the planting used would be 24 inches or less.

Chairperson DiMura opened the meeting to the public.

Mr. Hompesch, 5 Kalman Ct, asked about Acme's commitment to the project.

Mr. Marmora explained the process of changing the site plan and Acme's involvement and the commitment to share parking.

Mr. Hompesch questioned the proximity to Dunkin Donuts and the 24 hour operation.

Mr. Horowitz, 2 Kalman Ct, stated he has lived in the Borough since the late 70's and felt the new McDonald's was a horrendous idea. Mr. Howoritz questioned if the police department had been contacted about the 24 hour operation.

Ms. Dowling read the police memo to the Board and public, this particular question was not addressed by the police department.

Member Anello stated that the Board could ask the police department to comment on this.

Mr. Horowitz commented on the foot traffic, number of cars and people in such a tight area.

.

Mr. Marmora stated that there was a traffic study done and a supplemental notice was sent out to the property owners within 200ft as required by law.

Mr. Marmora stated that he would have the planner testify why this application meet the criteria of good planning.

Ms. Dowling duly swore in John McDonough, 11 Gillbrator Dr. Morris Plains.

Mr. McDonough stated is education and credentials to the Board.

The Board accepted Mr. McDonough as an expert in Planning.

Mr. McDonough distributed to the Board Members a photo packet.

The photo packet was entered as Exhibit A6 09172014

Member Waide left the meeting at 9:20 pm.

Mr. McDonough described the area, the site plans, the variances requested, and the history of the property.

Mr. McDonough stated that there had been a building at this site in the past.

Board Members could not recall this building.

Joe Vargo, 105 Bound Brook Rd, Dollar Store, stated that there had been a building at this site (gas station).

Mr. McDonough described the site, the café style McDonald's, the plantings, and the signage variance requested.

Mr. McDonough referred to Exhibit A4 09172014 and page 16 in site plans to show the signs height and width, where the sign would be located on the site.

Mr. McDonough stated that McDonald's is asking for six signs on the site where one is allowed.

Board Members asked if the sign would be lit 24/7 and the proximity to the apartments near the Acme.

Mr. McDonough stated the sign would be lit 24/7 and is approximately 250ft from the apartments.

Chairperson Dimura opened the meeting to the public for questions to the Planner.

Mrs. Jan Hompesch, 5 Kalman Ct, questioned how big the McDonald's sign would be.

Member Anello stated the sign would be as big as someone's bedroom.

Mr. Hopesch, 5 Kalman Ct. questioned the weight limit on Warrentville Rd. regarding the delivery trucks.

Chairperson DiMura did a straw poll the Board members on the height of the sign; the Board agreed the height was excessive that 15ft would be better as per Borough Ordinance.

Mr. Marmora listed the items that needed to be changed on the application: guardrail extension not to block fire suppression system, handicapped spots to be moved, raised hump in the crosswalk, 24/7 hours to have police review, sign reluctance.

McDonald's will return to the Board on October 1, 2014.

Chairperson DiMura opened the meeting for Board Member comments.

No Board Member comments at this time.

Chairperson DiMura opened the meeting to the public.

There were no public comments at this time.

There being no further business Member Lopa made a motion to adjourn the meeting at 10:24pm, seconded by Member Anello. Vote: All in favor. Meeting adjourned.

Secretary

Clerk