

Joint Land Use Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
May 27,2020

1. Call to Order

Chairperson Conahan called the meeting to order at 7:30 pm.

2. Open Public Meeting Act Statement

Chairperson Conahan read the Open Public Meeting Act Statement.

3. Roll Call

The following members were present:

CLASS IV MEMBERS:
FRANK RYAN DEC/2020 [PRESENT] MARK KRANZ DEC/2023 [PRESENT]
MARTIN QUINN DEC/2021 [PRESENT] MICHAEL CONAHAN DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT] PAUL WOSKA DEC/2023 [PRESENT]
JOSEPH DESCENZA DEC/2021 [PRESENT] ALTERNATE 1
JOE CARUSO DEC/2021 [PRESENT] ALTERNATE 2

STEPHEN GRECO DEC/2020 [PRESENT] CLASS I MEMBER
ROBERT DESSINO DEC/2020 [PRESENT] CLASS II MEMBER
JEREMIAH CARNES DEC/2020[PRESENT VIA PHONE] CLASS III MEMBER

Also present Board Attorney: Mr. William Robertson
Board Engineer: Mr. Bob Bucco
Board Planner: Mr. Paul Ricci
Zoning officer: Ms. Barrie Palumbo

4. Approval of Minutes

Member Greco made a motion to approve the March 11,2020 meeting minutes, seconded by Member Kranz. Vote: All in favor. Motion passed.

5. New Business

JLUB 2020-001
Fisk Associates
631 Union Ave.
Block 80 Lot 5

Minor Subdivision

Mr. Edward Johnson stated that he is representing the applicant for the minor subdivision.

Mr. Robertson duly swore in Mr. Robert Gazzale, Project Engineer for Fisk Associates.

Mr. Gazzale stated his education and credentials, the Board approved Mr. Gazzale.

Mr. Gazzale stated that the property is:

- located on the southwest corner of Union Ave and Orchard Rd.
- 30,719 sq. ft.
- Property is currently used as a business office with detached garage
- Driveway access from Union Ave and Orchard Rd.
- 3 lots would conform to the RT Zone requirements
- Lot sizes range from 9,429 sq. ft to 10,712 sq.ft.
- One lot has driveway access from Union Ave and 2 lots would have access from Orchard Rd.
- Utilities are existing in the right of way on both streets
- Possible dwellings would need to get necessary approvals
- Seeking a waiver for not installing sidewalks on Orchard Rd.
- No variances are being requested

Member Descenza asked if Fisk Associates would be staying in one of the buildings.

Mr. Gazzale answered that the lots would be residential.

Mr. Robertson asked if applicant is seeking a RSIS (Residential Site Improvement Standard) exemption as noted in the Najarian Engineering letter.

Mr. Gazzale stated that they will be complying with parking standards so will not be requesting that waiver.

Member Kranz asked if there was a developer.

Mr. Gazzale stated that they are talking to a specific developer.

Mr. Bucco stated that the applicant has maximized each lot to show that it can be developed without a variance and have shown they can comply with RSIS standards.

Mr. Ricci asked that a hedge row be added to Lot 5.01(facing Union Ave.) there would be 5 parking spaces and there would be a macadam front yard.

Mr. Ricci asked about fencing and site triangle.

Mr. Gazzale stated that no cars exit left onto Orchard Rd; it is a one-way street. Mr. Gazzale agreed to add hedge row to lot facing Union Ave.

The Board had no objection to granting the sidewalk waiver.

Mr. Robertson confirmed that the applicant can comply with the Najarian Engineering letter and Ricci Planning letter.

Member Greco made a motion to approve the minor subdivision with sidewalk waiver, seconded by Member Quinn. Vote: Member Ryan-yes, Member Kranz-yes, Member Quinn-yes, Chairperson Conahan-yes, Member Sherr-yes, Member Woska-yes, Member Greco-yes, Member Dessino-yes, Member Carnes-abstained, Member Descenza-yes. Motion approved.

Member Carnes stated that it was difficult to hear on the phone. Member Carnes left the meeting.

The Board took a five minute recess.

Upon returning from recess roll call was taken:

FRANK RYAN DEC/2020 [PRESENT]	MARK KRANZ DEC/2023 [PRESENT]
MARTIN QUINN DEC/2021 [PRESENT]	MICHAEL CONAHAN DEC/2022 [PRESENT]
ROBERT SHERR DEC/2022 [PRESENT]	PAUL WOSKA DEC/2023 [PRESENT]
JOSEPH DESCENZA DEC/2021 [PRESENT] ALTERNATE 1	
JOE CARUSO DEC/2021 [PRESENT] ALTERNATE 2	
STEPHEN GRECO DEC/2020 [PRESENT] CLASS I MEMBER	
ROBERT DESSINO DEC/2020 [PRESENT] CLASS II MEMBER	
JEREMIAH CARNES DEC/2020[ABSENT] CLASS III MEMBER	

JLUB 2020-002
EKTA 87, LLC
580 Union Ave.
Block 179 Lot 1

Final Site Plan

Mr. Edward Johnson stated that he is representing the applicant.

Mr. Robertson duly swore in the applicant's professionals:

- Mr. James Henry, Engineer
- Mr. Keenan Hughes, Planner
- Mr. Frank Truillo, Architect
- Mr. Jain Amin, Owner
- Ms. Elizabeth Dolan, Traffic Engineer

Exhibit A1 5/27/2020 was entered as a colorized site plan drawing dated March 11, 2020.

Exhibit A2 5/27/2020 was entered as an aerial map exhibit dated March 11, 2020.

Mr. Henry of Dynamic Engineering used Exhibit A2 Aerial Map to show:

- the location of the building is adjacent to the middle school
- the existing conditions, already a Dunkin Donuts adding a drive through

- located in the GB zone
- frontage is along Route 28
- angled parking is in front of building and to the west side
- the site is currently paved

Mr. Henry used Exhibit A1 to show where the drive through window would be located.

Mr. Henry stated that the police department is requesting to restrict the left turns on school days.

Mr. Henry stated that the site is in compliance with the number of parking spaces and will upgrade the ADA parking space.

Mr. Henry stated that landscaping will be added to the site and they will be restriping the drive through lane, and the trash enclosure will remain in the same area.

Mr. Henry stated the size of parking stalls to be 9 x18 and the drive through isle is 23ft, the landscaping will be used to separate the isles.

Mr. Henry stated that no fencing is proposed, the chain link fence is the neighbors.

Mr. Henry stated the hours of operation and when deliveries are made, garbage gets picked up at 5am and a circulation plan was included.

Mr. Henry explained the site lighting they will be adding light heads mounted at 12ft, improving the lighting on the back of the property.

There will be 28 low growing shrubs/plants added to the site.

Mr. Henry used the architectural plans to show the building is 2,300 sq. ft, has 2 bathrooms located to the back right, vestibule and 17 seats.

Mr. Henry stated that the drive through window would be located on the northernly side.

Mr. Henry stated that the two directions signs and free-standing signs will remain the same and they will be adding a small drive through sign.

Mr. Henry stated that adding a drive through with COVID 19 allows for safety.

Mr. Johnson stated that the angle parking will be eliminated, there will be parking spaces in front of the building.

Member Descenza asked a question regarding the police department memo regarding no left turns from 7am to 9am and 2pm to 4pm.

Mr. Johnson explained that a meeting was held with the police department after the memo was written and the result was the police department was satisfied with no left turns from 7am to 8am.

Member Descenza stated his concerns about student safety and traffic.

The Board discussed no left turn signage, placement and enforcement.

Member Caruso asked how high would the landscaping be, had concerns with visibility and also asked if there would be a fence on the side on the property by the nail salon.

Mr. Henry stated that maybe bollards could be installed for safety.

Chairperson Conahan asked if there was room on the easterly side of property for two vehicles in case a vehicle was to exit the drive through line for an emergency.

Mr. Henry stated that the distance was 16ft enough room for two vehicles to fit.

Exhibit A3 5/27/2020 was entered as photograph taken by Mr. Amin ten days prior, showing two vehicles on the side where the drive through window would be located.

Member Dessino stated his concerns regarding left turns out of the site.

The Board reviewed the Najarian Engineering letter dated March 14,2020.

The Board reviewed the Ricci Planning letter dated April 9,2020.

Ms. Elizabeth Dolan, Traffic Engineer stated her education and credential, the Board approved Ms. Dolan.

The Board reviewed the Dolan and Dean Traffic Report dated November 8,2019.

Ms. Dolan stated that traffic counts were conducted on January 16, 2019 between 7am to 9am. There were 65 vehicles entering and 62 vehicles exiting the site. Traffic counts were also conducted on January 15,2020 from 4pm to 6pm.

Ms. Dolan stated that a drone was also used on December 19,2019 that supported traffic counts.

Ms. Dolan explained the NJ DOT trip generation criteria.

Ms. Dolan stated the industry standard for a drive through lane is 8 vehicles stacked, the site can accommodate 11 vehicles before queuing will be on the sidewalk or street.

Ms. Dolan explained that there 14 left hand turns from the site between 7:40am and 8:40am.

Chairperson Conahan asked out of the 62 vehicles on the site how many turned left and how many turned right.

Ms. Dolan stated that out of 62 vehicles; 14 vehicles made a left turn and 48 made a right turn.

Ms. Dolan explained the letter of no interest from NJDOT.

Chairperson Conahan stated that the other Dunkin Donuts has many cars backing up on the shoulder of Route 28, stated his concerns about having vehicles backed up on Route 28 since there was no shoulder in this section.

Ms. Dolan explained that there would be 11 vehicles in the line, many drivers won't wait and its not the only place to get coffee in the morning.

Ms. Dolan stated that message boards could be used not to que past a certain point or have employees ask drivers to park vehicles and enter building.

Member Kranz stated that the other Dunkin Donuts does spill out onto Route 28 and there are vehicles trying to make a left into the site while vehicles are waiting on the shoulder.

Ms. Dolan stated that the use of drive throughs has been intensified because of COVID 19.

Chairperson Conahan stated that many businesses have drive throughs that is the way they are staying in business.

Ms. Dolan stated that most drivers will go through drive through to get their coffee and make the right out of Dunkin Donuts.

Member Ryan asked to hear the Police Department memo.

Chairperson Conahan read the Police Department memo, recommending no left turns from 7am to 9am and from 2pm to 4pm.

Chairperson Conahan stated that he needs to see a response from the Police Department in writing of any changes from the meeting.

The Board continued to discuss left turns/ no left turns from Dunkin Donuts site.

The Board recommended putting a no left turn sign between 7am and 9am and wanted a report from the police department.

Mr. Johnson stated he would get the supplemental letter from the police department.

Member Kranz asked why the Dunkin Donuts was not built with the drive through.

Mr. Johnson explained how the previous building was there and it was torn down except for the basement foundation. The Dunkin Donuts was built on top of this foundation using same footprint.

Mr. Bucco asked for additional calculations in his report.

Ms. Dolan will provide service level calculations.

Mr. Ricci stated that the Board would need to grant variances for the existing nonconforming variances.

Mr. Keen Hughes, Planner at Phillips Price stated his education and credentials.

Mr. Johnson stated before the Planner was to testify, he wanted to enter exhibits that the owner attempted to purchase additional land surrounding the property.

Exhibit A4 5/27/2020 was entered as a letter from Mr. Johnson on behalf of EKTA,87, LLC to purchase additional 15ft of land from owner of the shopping center.

Exhibit A5 5/27/2020 was entered as a response letter from Mr. Mainardi, owner of the shopping center stating they were unable to sell any portion of property because they are non-conforming for parking

Mr. Johnson stated that they are unable to purchase property to the west (where the former Dunkin Donuts was previously located) small shopping center because of the driveway.

Mr. Johnson stated that the Board of Education owns the property to the rear.

Exhibit A6 5/27/2020 was entered as letter from Mr. Johnson on behalf of EKTA 87, LLC to Board of Education asking to purchase part of 20 ft.piece of land behind Dunkin Donuts.

Exhibit A7 5/27/2020 was entered as a response letter from the Board of Education stating the process to sell a parcel of property that they would possibly be able to purchase but they need to follow process.

Mr. Hughes stated that the applicant; has made attempts to purchase additional property, stated the upgrades to be made to the property, no substantial detriment to the public good, stated that there are two existing non-conforming setbacks for rear yard setback and lot width that the applicant is not altering. The property is being upgraded.

Mr. Amin stated that he has been operating Dunkin Donuts since 2002, was at the adjacent site for 10 years, has staff that lives in Middlesex and has been part of the community.

Mr. Amin stated that he has lost approximately 50% of his business since COVID 19 pandemic started and has affected his business tremendously. He stated that a drive through will allow him to regain part of his business.

Mr. Amin informed the Board that he has invested money and equipment and explained the new four brewing coffee pots which will be able to make many cups of coffee in a short amount of time so less wait time.

Mr. Amin informed the Board that 1 in 5 sales is done on the Dunkin Donuts App. The customer orders, the store processes the order and it is waiting for the customer to pick up so they are not waiting for their order.

Mr. Amin stated that garbage pickup is early around 5am so that will not interfere with drive through.

Chairperson Conahan opened the meeting to the public, there were no public on the phone.

Edward Mainardi, Owner of shopping center stated that the chain link fence is not the property line and there had been damage done to the fence, and stated that Mr. Amin had done improvements indicating striping that was actually on his property.

Exhibit M1 5/27/2020 was entered as a photograph taken by Mr. Mainardi showing the 14ft which is Mr. Mainardi property.

Mr. Johnson stated that the owner will fix Mr. Mainardi fence and agreed to fix area indicated by Mr. Mainardi.

There being no other public comments or questions Mr. Johnson summarized the application and stated he will contact Police Department regarding signage and the applicant agreed to have bollards on the property line along small shopping center.

Member Greco made a motion to approve the preliminary and final site plan with rear yard setback and width conditions, landscaping, parking stall dimensions and conditions that the applicant comply with the Najarian review letter dated March 19, 2020, comply with Ricci Planning letter dated April 9, 2020, get outside agency approvals, obtain NJ DOT Letter of No Interest, obtain follow up letter from Middlesex Police Department, comply with signage, lighting to face downward, bollards to be installed along property line, seconded by Member Descenza. Vote: Member Ryan-yes, Member Kranz-yes, Member Quinn-yes, Chairperson Conahan-yes, Member Sherr-yes, Member Woska-yes, Member Greco-yes, Member Dessino-yes, Member Descenza-yes. Motion passed.

7. Board Comments

Chairperson Conahan stated that Ms. Barrie Palumbo was in attendance at the meeting and explained her role for the Borough. Ms. Palumbo stated that she will be retiring on Nov.1,2020 and Board Members thanked Ms. Palumbo.

Ms. Palumbo informed the Board Members of the NJ Stormwater Video and asked members to email her once they have completed the videos.

Ms. Palumbo stated that Financial Disclosure Statements will need to be completed.

Ms. Palumbo stated that the next meeting on June 10, 2020 will have Layla Transportation, 930 Lincoln Blvd application and also Redevelopment Amendments.

Ms. Palumbo stated the June 24, 2020 will have the Rockefeller Group application.

Chairperson Conahan opened the meeting to the public for, there being no public comments he closed the public portion of the meeting.

There being no further business Member Kranz made a motion to adjourn the meeting at 10:47pm, seconded by Member Descenza. Vote: All in favor. Meeting adjourned.

Martin Quinn, Secretary

Karen Wick, Recording Secretary