

Lenahan, Kathy

From: Luedecker, Russell - *POLICE DEPT.*
Sent: Thursday, March 7, 2024 12:21 PM
To: Lenahan, Kathy
Subject: RE: REVISED PLANS FOR DUNKIN - 333 North Ave East

Kathleen,

As of now there is nothing for PD that would change.

RJL

Lenahan, Kathy

From: Koscova-Jencik, Monika - HEALTH SEPT.
Sent: Friday, March 8, 2024 10:06 AM
To: Lenahan, Kathy
Subject: RE: REVISED PLANS FOR DUNKIN - 333 North Ave East

Hi Kathy,

I have no comments at this time. Thank you.

Monika Koscova, MPH, REHS, CPO, CMR
Registered Environmental Health Specialist
Cranford Department of Health
8 Springfield Ave
Cranford NJ 07016
908~709~7225
M-Koscova@CranfordNJ.org

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Lenahan, Kathy

From: Ronald Margulis - *Environmental Commission*
Sent: Tuesday, March 19, 2024 4:51 PM
To: Lenahan, Kathy
Subject: Re: REVISED PLANS FOR DUNKIN - 333 North Ave East

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Hi Kathy,
The one thing we'd ask for this project is that they use native, non-invasive species for their landscaping.

Thanks!
Ron

--
Ron Margulis



CRANFORD FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION & RISK MANAGEMENT
7 SPRINGFIELD AVE, CRANFORD, NJ 07016
PHONE: (908)709-7360
FAX: (908) 276-6183
WWW.CRANFORDNJ.ORG

March 15, 2024

MEMORANDUM FOR: Township of Cranford – Planning and Zoning Department

FROM: B/C Matthew J. Lubin /s/
Fire Official

SUBJECT: Application ZBA-22-012
333 North Avenue East; Block 318 – Lot 22
Applicant: NACT Donuts, Inc.

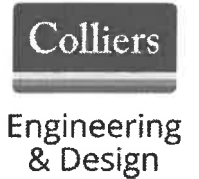
The Cranford Fire Department has reviewed the revised plans submitted for the subject application, specifically revised architectural plans dated January 24, 2024 prepared by Frank Truilo Architect LLC, revised site plan dated February 13, 2024 prepared by Harbor Consultants Inc., and correspondence from the applicant's counsel dated March 6, 2024.

The substantive revision includes the addition of a walk-up lobby for pedestrian/foot traffic order pickup. The applicant also proposes the addition of benches along the front (North Avenue East) side of the property.

There are no impacts or concerns apparent based on the Fire Department area of review of this revision.

If you have any questions, please feel free to contact our office.

400 Valley Road
Suite 304
Mt. Arlington, New Jersey 07856
Main: 973 810 0091



Memorandum

To: Kathy Lenahan, Land Use Administrator
From: Kevin Boyer, P.E., C.F.M.
Date: March 22, 2024
Subject: 333 North Avenue East
Block 318, Lot 22
ZBA-22-012
D1 Variance
Project No.: CDZ0354A

Colliers Engineering & Design Inc. dba Maser Consulting has reviewed the application for the proposed Dunkin Donuts renovation.

The following has been submitted by the Applicant for review:

- Site Plans, prepared by Harbor Consultants Inc., consisting of two (2) sheets, dated 7/13/2022, **revised 2/13/24.**
- Architectural Plans, prepared by Frank Truilo Architect LLC., consisting of 1 (one) sheet, dated 1/6/2023, **revised 1/24/24.**
- Cranford Board Application Form 1, Form 5, Use Variance Application, prepared by the Applicant, date stamped November 1, 2022.
- Traffic Impact Analysis, consisting of twenty-one (21) sheets, prepared by Dolan & Dean Consulting Engineers, LLC., dated May 19, 2022.
- Cross access easement/agreement dated December 30, 1963.
- **Cover letter, prepared by Porzio Bromberg & Newman, dated 3/6/24.**

The site is located in the ORC: Office Residential Character subdistrict. The property is on Block 318 in between Elizabeth Avenue to the east, and John Street to the west. The site is improved with a Dunkin Donuts fast-food restaurant. The site has ingress and egress points located on North Avenue. The site has property frontage along North Avenue.

The site is not located in the NJDEP Flood Fringe Area, as shown on the NJDEP Delineation of Floodway and Flood Hazard Area Plans, Township of Cranford, New Jersey.

The property is located in Flood Zone X (area determined to be outside the 0.2% annual chance Flood Hazard Area), as shown on the Flood Insurance Rate Map (FIRM) for the Township of Cranford, dated September 2006.

The Applicant is proposing to bifurcate the application and will seek to get the "D1" use variance approved. If approved, the Applicant will move forward with site plan approval with the appropriate board.

The Applicant is proposing to remove the existing 1,825 SF masonry building on-site, currently being utilized as a Dunkin Donuts restaurant. The Applicant is also proposing to remove all existing granite block curbs, asphalt parking, bollards, signs, light fixtures, concrete walks, guard rails and landscaping.

The Applicant is proposing to construct a new Dunkin Donuts drive-through. The proposed structure for the drive-through will be 648 SF. The Applicant is proposing granite block curb along the east, north, and west sides of the lot, a refuse area in the northeast corner of the lot, and nine (9) parking spaces, one of which is ADA compliant. The Applicant is proposing a loading zone in the rear of the property. The Applicant is also proposing to replace the concrete sidewalk, concrete curb, and construct a new concrete apron along the entire property frontage. The Applicant is decreasing the pavement area on site, therefore, decreasing the impervious coverage on the site by 259 SF.

Based on a review of the above-referenced documents, the Applicant shall address the following professional comments related to traffic impacts:

1. The Starbucks facility, located about 150 feet to the east, has been experiencing vehicular queuing and conflict issues. Being that the Starbucks operation and circulation are similar to the Dunkin Donuts, the Applicant should discuss what measures have been (or will be) put in place to ensure that the site will not experience similar traffic issues. **The Applicant traffic expert provided testimony. Testimony shall be provided for additional changes to the site.**
2. Will the proposed operation include outdoor facilitators to take orders and improve the flow and speed of the vehicular queue? **The Applicant shall provide testimony.**
3. Does the Applicant have a standard operating procedure (SOP) that covers queue management? **The Applicant shall provide testimony.**
4. What is the maximum number of employees expected to be in the store in one shift? **The Applicant previously testified 7 people per shift. The applicant shall confirm if the walkup will have an impact the required employees.**
5. The Applicant has not provided the required ADA aisle spacing stripes. **Comment satisfied.**

6. The proposed refuse area faces against the flow of traffic. The Applicant shall provide testimony for dumpster pickup. **The Applicant shall provide testimony.**
7. An engineering review will be completed if/when the Applicant wishes to pursue a site plan application. **This comment remains in effect.**
8. All excavated material shall be removed from the site. No material is to be stored on Township property unless prior approval is obtained from the Township Engineer. Under no circumstances can the contractor place excavated material within Township property. Any soil disturbance shall be done as set forth by Subsection 351-1. **This comment remains in effect.**
9. The Applicant shall not direct any stormwater towards adjoining properties. The site grading and drainage should not adversely affect or burden the adjacent property owners or pose a negative impact as set forth by Subsection 364-5E.(3). **This comment remains in effect.**
10. No changes in grading are permitted without the submission of a grading plan to the Engineering department for review and approval, as required by Ordinance 351-4. A Professional Engineer or Professional Land Surveyor must prepare any such grading plan. **This comment remains in effect.**
11. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Township Right-Of-Way, including but not limited to, sidewalk, driveway apron, curb, and asphalt pavement as required by Subsection 367-1. **This comment remains in effect.**

Should you have any questions, please do not hesitate to contact our office.

cc: Thomas Jardim, Esq., Zoning Board Attorney (tom@jmslawyers.com)
Maurice Rached, Board Traffic Engineer (Maurice.rached@collierseng.com)
Greer Patras, (g.patras@topology.is)
NATC Donuts, Inc, Applicant (adamore@natcdonuts.com)
Joseph Papro, Esq., Applicant's Attorney (japaparo@pbnlaw.com)
Anthony Gallerano, Applicant's Engineer, (tonyg@hcicg.net)

Lenahan, Kathy

From: Ronald Meeks - HPAB
Sent: Friday, March 22, 2024 4:34 PM
To: Lenahan, Kathy
Cc: Ty Apgar; Kevin Boyer
Subject: Re: Comments on Dunkin - 333 North Ave East

Follow Up Flag: Follow up
Flag Status: Flagged

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No further comments by HPAB



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60 Union Street, First Floor, Newark NJ 07105

Planning Report #2

DATE: March 20, 2024
TO: Zoning Board, Township of Cranford
FROM: Greer Patras, AICP, PP
APPLICANT: NATC Donuts, Inc.
ATTORNEY: Joseph Paparo, Esq.
SUBJECT: **APPLICATION ZBA-22-012
333 NORTH AVENUE EAST
BLOCK 318, LOT 22
D(1) USE VARIANCE APPLICATION**

The purpose of this report is to provide the Zoning Board with guidance in its evaluation of Application ZBA-22-012, submitted by NATC Donuts, Inc. ("the Applicant"). The Applicant proposes to demolish an existing walk-in only Dunkin' and construct a new drive-thru Dunkin', with the addition of a pedestrian walk-up window/order pick-up lobby. The Applicant seeks to bifurcate the application and only requests d(1) use variance approval.

The Applicant appeared before the Board on September 18, 2023 and October 2, 2023, and the Applicant has submitted revised plans to address the comments from the Board hearings and Board Professional's reports. Existing content will remain in black text, content that has been addressed will be in ~~strike through~~, and new content will be in blue text.

The following items have been reviewed:

- **Township of Cranford - Development Application Package**, received November 1, 2022.
- **Application Cover Letter**, prepared by Joseph A. Paparo, Esq., dated October 31, 2022.
- **Application Rider**, undated and unsigned.
- **Site Plan**, consisting of 2 sheets prepared by Harbor Consultants, Inc., dated July 13, 2022 and last revised on February 13, 2024.
- **Architectural Plans**, consisting of 1 sheet prepared by Frank Trulio, R.A., dated April 12, 2022 and last revised on January 24, 2024.
- **Traffic Impact Analysis**, consisting of 21 pages, prepared by Dolan and Dean Consulting Engineers, LLC, dated May 19, 2022.
- **Resubmission Cover Letter**, consisting of 2 pages written by Joseph A. Paparo, Esq., dated March 6, 2023.
- **Traffic Generation Letter**, consisting of 3 pages written by Elizabeth Dolan, P.E., Dolan and Dean Consulting Engineers, LLC, dated November 27, 2023.
- **Resubmission Cover Letter**, consisting of 2 pages written by Joseph A. Paparo, Esq., dated March 6, 2024.

I. EXISTING CONDITIONS

- A. **Site Description:** The Site is a 17,904 SF (0.4-acre) lot located along North Avenue East (NJ Route 28). The Site contains a 1-story masonry building occupied by a walk-in only Dunkin' and a paved parking area that contains 21 parking spaces. The Property also consists of concrete walkways, landscaping, lighting, signage, and a refuse area. **(See Appendix A below for Site photos)**
- B. **Zoning:** ORC (Office Residential Character)
- C. **Neighborhood Context:** The Site is located within the commercial corridor of North Avenue East, and surrounding businesses to the east of the Site include Dairy Queen and a drive-thru only Starbucks that has access via North Avenue East and Elizabeth Avenue. Properties to the west and north are residential in the R-4 zone. The Cranford DPW and the Historic Roundhouse is across North Avenue East directly to the southeast.
- D. **Traffic + Circulation:** The Site is accessible via one curb cut along North Avenue East (NJ Route 28), which serves as ingress and egress for the Site. The Site is also interconnected with adjacent Lot 21 (Dairy Queen), which has driveways on both North Avenue East and Elizabeth Avenue. Therefore, while the Site only technically contains one means on ingress/egress, it does have additional access to North Avenue East and Elizabeth Avenue from the interconnected lots. The Site is also within a mile of the Garden State Parkway to the east, and the Cranford Train Station to the west.



(Courtesy of Google. Site boundary in red is approximate.)

II. PROJECT PROPOSAL

- A. **Proposed Project:** The Applicant proposes to demolish the existing Dunkin' building and construct a new one-story, 648 SF Dunkin' building to ~~service drive-through customers only~~ **primarily service drive-through customers, with a pedestrian/customer walkup window lobby in the front of the building.** Additionally, the Applicant proposes the following:
1. Remove all curbing, parking, bollards, lighting, guardrails, and landscaping on site along with the relocation of a utility pole.

2. Install 4 benches and a “walkup window” sign in the front yard for non-drive-through customers.
3. Construct 9 parking spaces (1 ADA), a loading zone in the rear of the Site, and a refuse area constructed by vinyl fencing.
4. Replace existing concrete sidewalk, curbing, and apron along property frontage and construct a walkway leading from the sidewalk to the front door for the walkup window lobby.
5. Construct associated signage, lighting, striping, landscaping, other site improvements, and install a generator towards the rear of building.

III. USE VARIANCE DISCUSSION

A. The Applicant requires the following d(1) Use Variance Relief:

1. **The Applicant requires d(1) Use Variance Relief from Section 255-36.C(1):** The proposed drive-through fast food use is not permitted in the ORC District, therefore, d(1) use variance relief is required. Below is a list of the principal permitted uses within the ORC District:
 - Artist and artisan studios and workshops
 - Business and administrative offices
 - Data processing and computer firms
 - Essential services
 - Existing one- and two-family residential dwellings as of 2014
 - Funeral homes
 - Professional offices in dwellings

2. **The standard for D(1) variance relief under N.J.S.A. 40:55(d)-70(d)(1):**

Prior to the 1948 land use law amendments, a use variance could only be granted if an undue hardship was proven. The prerequisite of proving “unnecessary hardship” was substituted with the authority to grant a variance “in particular cases and for special reasons.” This meant that the board of adjustment had the authority to grant a variance with the proof of special reasons, and including but not limited to undue hardship.

In 1952, *Ward v. Scott* N.J. 117, clarified that “special reasons” was circumscribed by the general purposes of zoning. The 1975 Municipal Land Use Law lists the purposes of zoning in N.J.S.A. 40:55D-2. A-O. “Special reasons” is more generally referred to as the positive criteria for a use variance.

The accepted standard for reviewing a use variance is set forth in *Medici v. BPR Co.*, 107 N.J. 1 (1987). The Applicant must provide testimony in support of the D(1) use variance and demonstrate both the “positive criteria” and the “negative criteria.”

- 1) Under the “positive criteria,” the Applicant must show that there are “special reasons” for a use variance:
 - a. That the purposes of zoning listed in the MLUL at NJSA 40:55D-2 are advanced,
 - b. That the use is particularly suited to the property; and
 - c. Must also meet the enhanced burden of proof, by demonstrating that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance

OR

 - d. Instead of advancing the purposes of zoning, as a “special reason”, the Applicant must demonstrate and prove that there is an extreme or undue hardship that exists that prevents the site from being used as it is zoned.

- 2) Under the “negative criteria”, there are two prongs that the Applicant must prove that the variance can be granted without:
 - a. Prong 1 – Substantial negative impact on the general welfare, AND
 - b. Prong 2 – Substantial impairment of the intent and purpose of the zone plan and zoning ordinance

3. Evaluation of “d(1)” use variance criteria:

For this evaluation, the Board and the Applicant should discuss the following:

- For 1a, what purposes of zoning as outlined in the MLUL are advanced by a vehicle-only drive through [with a pedestrian walkup window lobby](#)?
- For 1b, is there something so specific about this use on this specific site that changing the allowable permitted uses wouldn’t constitute a rezoning (a power only bestowed to the governing body)? If the same could be said for many other properties in the zone, this criteria can’t be met.
- For 1c, is a vehicle-only drive through [with a pedestrian walkup window lobby](#) meeting the intent of the Master Plan and Zoning Ordinances? What does the Master Plan say about this corridor with respect for vehicles, pedestrians, cyclists, and users of public transportation? Is the proposed use consistent with other permitted uses in the zone? Is the proposed site design consistent with the ordinance or are variances required?
- For 1d, Is the zoning so strict or outdated that legal use of this property is unachievable?
- For 2a, testimony should focus on the impact of the proposed use to the immediate neighbors, the ORC zone in total, and, in particular, the public that may visit this commercial corridor to work, shop, or eat in this zone on foot, on bike, or via public transportation.
- For 2b, the intent of the ORC zone and commercial corridor should be discussed, particularly in the context of relevant Master Plan goals, discussed below.

4. Master Plan Review:

The Applicant should review and be prepared to discuss the project in relation to the 2009 Township of Cranford Master Plan and 2019 Master Plan Reexamination Report. The Applicant should be prepared to discuss the nature of the proposed non-permitted use, associated traffic, and public realm enhancement in relation to the surrounding uses and consistency with the Master Plan. The Applicant should be prepared to discuss the following goals from the Master Plan:

1. *“This Plan recommends creating a new Office Residential Character (ORC) District in accordance with the Future Land Use Plan. This District, located adjacent to South Avenue and Lincoln Avenue West is intended to allow the conversion of existing residential structures for professional office uses, while preserving the historic character, scale and features of the buildings and the streetscape. This Master Plan also proposes the creation of ORC districts on North Avenue adjacent to Lincoln Avenue West and on North Avenue adjacent to Arlington Road. The purpose is to allow professional office and other low intensity commercial uses, while retaining the residential scale and character of buildings.”* 2009 Master Plan Page LU-3
2. *“Improve pedestrian, recreational and automobile safety.”* 2019 Master Plan Reexamination Report Page 60

3. "Promote stormwater best management practices to improve local drainage patterns and enhance the environment through implementation of Cranford's Stormwater Management Plan." 2019 Master Plan Reexamination Report Page 63
4. "Protect air quality." 2019 Master Plan Reexamination Report Page 63
5. "Promote development in existing nonresidential areas that accommodate alternative modes of transportation and shared parking." 2019 Master Plan Reexamination Report Page 63
6. "Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways." 2019 Master Plan Reexamination Report Page 64

IV. PLANNING COMMENTS

A. Use + Operation:

1. The Applicant should provide an overview of all proposed changes to the proposal, including the new pedestrian/customer walkup window lobby. Updated testimony should be provided regarding this updated proposal and consistency with the goals of the Master Plan.
2. ~~The Applicant should discuss why a drive-through only use instead of a standard service serving parked vehicles, walking patrons, and drive-through customers is proposed.~~ The Applicant should provide an overview regarding the drive-through ~~only~~ operation with the pedestrian/customer walkup window lobby, proposed hours of operation (for the drive-through and pickup lobby), anticipated number of customers (for the drive-through and pickup lobby), and number of employees (total and daily, per shift).

At the hearings, the Applicant provided testimony regarding the business trends and that the hours of operation for the drive-through would be from 5am to 9/10pm with a maximum of 7 employees. The Applicant should confirm if there are any changes to this proposed plan.

3. The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the drive-through use is approved. However, as part of the required analysis for a "d(1)" use variance, site suitability must be considered. Compliance with the other standards of the zone should be considered is a relevant part of site suitability. As currently designed, the Applicant would require the following bulk variances and design waivers. (A bulk chart and information regarding the proofs of standard for bulk variances are included in Appendix B for reference.)
 - a. **Impervious Coverage:** where 75% maximum is permitted but 75.4% is proposed. (§255-Attach1)
 - b. **Parking Location:** where no parking shall be permitted in the required front yard or between any part of the front building facade and the street right-of-way line, but parking in the front yard is proposed. (§255-37.J(2)(a))
 - c. **Architectural Character:** where all uses in the ORC Zone shall maintain the character and architecture of the existing structure, but the proposed building does not maintain the character and architecture of the existing structure. (§255-37.J(3)(a))
 - d. **New Buildings Stories Above Grade:** where all new buildings and any existing buildings that are expanded shall contain at least two stories above grade, but the proposed building is only one story above grade. (§255-37.J(3)(c))
 - e. **Lighting Height:** where lighting shall not exceed eight feet in height, but the proposed lighting fixtures mounted on the front façade are greater than eight feet in height. (§255-37.J(3)(g))

f. **Parking Space Width:** where a minimum width of 10' is required, but 9' is proposed. (§255-26.G(3)(1))

g. **Drive Aisle Width:** where a minimum width of 24' is required, but 20' is proposed. (§255-26.G(4))

The Applicant has not made any revisions to the plan to address this comment and the required bulk variances/design waivers.

B. Parking + Circulation Comments:

1. We offer concern regarding the vehicle-centric use, and that there are no opportunities for persons on foot to be customers. People working or living nearby would need to drive their car to the site, instead of choosing walking or biking. The customer base would purposefully exclude those using mass transportation or bicycling.

The Applicant has revised the plan to include a pedestrian/customer walkup window lobby within the building, along with a walkway that connects this area to the existing sidewalk and benches for customers in the front yard. This addresses the concern of the use being vehicle-centric; however, the Applicant should provide bike parking for customers that would like to bike to the Site. This should be discussed in relative to the goals of the Master Plan, specifically:

- *"Promote development in existing nonresidential areas that accommodate alternative modes of transportation and shared parking."* 2019 Master Plan Reexamination Report Page 63
 - *"Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways."* 2019 Master Plan Reexamination Report Page 64
2. The Applicant should provide testimony regarding the following:
 - a. Anticipated number of trips and vehicle circulation for drive-through users and employees.

The Applicant provided the following data from the November 27, 2023 Traffic Generation Letter:

 - o *Peak activity was recorded on Monday, October 30th, from 8:00 to 9:00 a.m. with 188 trips. This equates to 94 entering and 94 exiting vehicles.*
 - o *For Monday thru Friday, the average morning peak hour volume was 163 trips, or 82 entering and 81 exiting vehicles.*
 - o *On Saturday, the peak hour occurred from 10:00 to 11:00 a.m. with 140 trips, or 70 entering and 70 exiting vehicles.*
 - b. Anticipated number of trips for customers using the pedestrian/customer walkup window lobby.
 - c. Traffic impact and how the removal of access via Elizabeth Avenue impacts Site access and circulation compared to the existing development.
 - d. Procedure of the queuing lane
 - e. How will the Applicant deal with capacity if the Site has more than the 15 vehicles at one time
 - f. Efficiency of the drive-through with 2 order points.
 - g. Evaluation of traffic and queuing issues on this site compared to other "drive-through only" buildings.
 - h. Consideration of a right turn only out of the Site to alleviate queuing issues which has been emphasized by the Historic Preservation Advisory Board.

At the hearings, the Applicant provided testimony that the existing Site is 99% for drive-through, is not safe for pedestrians, and is not appropriate for cyclists. Testimony should be provided regarding the site design and safety for the pedestrian/customer walkup window lobby.

We also still recommend accommodations for bike parking for customers and employees.

3. The Applicant should be prepared to address the memo from the Environmental Commission, specifically the comments regarding walkability, air pollution from idling, and impervious coverage.

Additional testimony should be provided given the changes to the plan for the customer pick up and the increase in impervious coverage.

4. The Ordinance does not provide a parking calculation specific to drive-through only fast-food uses, but states that the requirement shall be determined by the Board based on industry standards. The Applicant has stated that the building itself is employee only and that the industry parking standard is 1 space per employee. The Applicant notes that there will be 5 employees, so the parking requirement is 5 parking spaces to which they comply with 9 proposed parking spaces. The Applicant should provide testimony regarding the use and industry standard for employee parking.

The Applicant has revised the plan for the building to not only be for employees, but also for customers using the pedestrian/customer walkup window lobby. A requirement of 5 parking spaces, 1 per employee, was determined; however, this requirement should change since customers can now access the inside of the building for order pickup. We note that the Ordinance's parking requirement for a restaurant without seats is 1 space per 75 square feet of customer service area, which applies to this area since it does not have any seats.

5. The Applicant will require a bulk variance for parking location since parking spaces are proposed in the front yard which is not permitted. We note that using the industry standard from the Applicant, 5 parking spaces are required and 9 parking spaces are proposed. If the Applicant were to remove the 2 parking spaces nearest to the street, the need for this variance would be eliminated, and the Applicant should consider this as it relates to site suitability.

We continue to recommend that where the project can comply with ordinance standards, it should. If configurations can remove parking from the front yard we should see this as a better design. The intent of the zone plan is for the front be less auto-centric and more landscaped. Especially on a non-compliant use, adhering to other aspects of the code can suggest site suitability.

6. The Applicant should provide an overview of all deliveries and pickups on site. Specific attention should be given to the frequency of deliveries, type/size of delivery truck, and expected timing of loading access and deliveries. A truck turning plan was provided for a "single-unit" truck, but the Applicant should provide testimony whether any larger vehicles will make deliveries to the Site. The Applicant should confirm that the proposed loading space is at least 12' wide by 50' long.

Loading space dimensions should be provided on the plans.

7. The Applicant should provide "No Stopping" or "No Standing" signs in the front of the property so they do not create spillover on the road.

This comment has not been addressed.

8. The Applicant will require design waiver relief for the undersized parking stall width, and we recommend that hairpin striping be employed in lieu of a single stripe to help mitigate this design.

Now that the parking will be used for employees and customers, we strongly recommend that these spaces either be the minimum 10' required, or use hairpin striping.

9. The drive aisle between the parking size does not meet the minimum width for backing out. For perpendicular (90°) parking spaces, 24' is required but 20' is provided. If the spaces were angled 60°, then only 18' would be required, and it would be a compliant design. Angled parking may also reduce confusion about the one-way nature on this site. This should be discussed.
10. The Applicant shall provide testimony regarding waste management, waste removal and waste removal truck circulation, as well as the frequency and method of waste removal.

Testimony still needs to be provided.

11. Per State Law, the Applicant is required to provide one make-ready EV parking space, and the Applicant should confirm compliance or request variance relief.

This comment has not been addressed on the plans.

12. The Applicant is required to provide a minimum of three bicycle parking spaces, and the Applicant should confirm compliance or request design waiver relief. We note that the site is not designed for cyclists to use, which is a concern.

This comment has not been addressed. We also still recommend accommodations for bike parking for customers and employees.

13. The Applicant should confirm ADA compliance for parking and building access.

The Applicant has hatched the proposed ADA parking space, but a note should be provided on the plans that confirms that the Site is designed to comply with all ADA standards.

14. The Applicant should confirm compliance with all parking and loading standards as listed in the above tables. Where compliance cannot be met, relief must be requested.

This comment has not been addressed.

15. The Applicant should provide testimony regarding emergency vehicle access, and how snow removal will be handled.

Testimony still needs to be provided.

16. The proposed improvements within North Avenue East (NJ Route 28) remain outside of the Zoning Board jurisdiction must receive appropriate outside approvals.

C. Architecture, Signage + Lighting Comments:

1. The Applicant should specify and provide testimony to all building façade materials, colors, and overall details of design, relative to the Site and surrounding character. Given the intensity and importance of the use variance requested, renderings should be presented to show each facade colors and materials.

This comment has not been addressed, and testimony still needs to be provided.

2. The Applicant will require the following "c" variances from the ORC District Design Standards of Zoning Ordinance Section 255-37.J(3):
 - a. Architectural Character: where all uses in the ORC Zone shall maintain the character and architecture of the existing structure, but the proposed building does not maintain the character and architecture of the existing structure.

- b. New Buildings Stories Above Grade: where all new buildings and any existing buildings that are expanded shall contain at least two stories above grade, but the proposed building is only one story above grade.
- c. Lighting Height: where lighting shall not exceed eight feet in height, but the proposed lighting fixtures mounted on the front façade are greater than eight feet in height.

Site and building design more in compliance with ORC District Design Standards may help suggest site suitability. The Applicant should provide testimony regarding these design standards in relation to the proposed building design.

- 3. ~~There appears to be an entrance to the front of the building on the site plan, but an entrance is not displayed on the elevation plan. This should be clarified, and the plans should be consistent as it relates to an ordinance requirement for front façade primary building entrance. To minimize the invitation of pedestrians to the drive through only building, no front entrance should be proposed. Any doors for operation purposes should be located along the other sides of the building.~~

The Applicant has revised the plans to provide a front entrance for a pedestrian/customer walkup window lobby which now addresses the Ordinance requirement for front façade primary building entrance. Testimony should be provided regarding the size and operation of this space.

- 4. The Applicant should be prepared to discuss signage at the hearing which should comply with the signage requirements of Section 255-38. As part of any site plan application, the Applicant should provide a signage plan for both the freestanding and building-mounted signage for both traffic safety and architectural purposes.

Testimony still needs to be provided, especially since new ground-mounted signage is proposed in the front yard for the walkup window.

- 5. As part of any site plan application, the Applicant should provide a full lighting plan, colored renderings, and label all colors and materials on the elevation plans. We will then provide a full review.

D. Landscaping, Utilities + Drainage Comments:

- 1. The Applicant should provide testimony regarding proposed landscaping, utilities, drainage, grading, and any stormwater management strategies.

The Applicant has actually increased the lot impervious coverage to 75.4%. A variance would be required since the maximum permitted lot impervious coverage is 75%. Any opportunities to reduce the lot coverage should be considered for compliance with the Ordinance. If the Applicant submits a site plan application, a breakdown of the existing and proposed lot coverage should be provided.

- 2. To help determine site suitability, the Applicant should confirm compliance via testimony with the landscaping requirements such as parking screening, parking area landscaping, etc. as listed below in the bulk and design standards tables. On any site plan application where compliance cannot be met, variances and/or design waivers must be requested.

At the previous hearings, the Applicant testified that they would provide vegetated buffers/screening for both sides and replace the fence along the western property line. Given the deviations, especially parking in the front yard, we recommend a generously landscaped front yard with a mix of shade trees, evergreen hedges, and flowers.

3. The concrete walkway surrounding the drive-through building seems oversized and should be reduced to allow for an overall reduction in impervious coverage, and to allow for additional landscaping opportunities and a widened planting strip.

We continue to offer concern regarding the dominance of asphalt on this site, which occupies so much more ground than the building or landscaping. Enhanced landscaping of the perimeter areas and front yard may help mitigate this.

4. The Applicant proposes a ground-mounted generator which should be screened by landscaping, walls, or fencing, as required by Section by 255-37J(3)(h). The size and height of all mechanical / HVAC units should be provided.

This comment has not been addressed.

5. The Applicant should confirm the location of all utilities, including meters, and HVAC systems on both the civil and architectural sets.

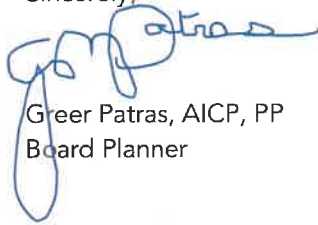
This comment has not been addressed.

6. If the Applicant submits a site plan application with landscaping, utility, and drainage plans, we will then provide a full review.

7. We defer to the Board Engineer regarding other preliminary comments related to landscaping, drainage, and utilities.

If you have any further questions regarding this application, please feel free to contact our office.

Sincerely,



Greer Patras, AICP, PP
Board Planner

Appendix

A. Site Photos (June 13, 2023):



B. "C" Bulk Variance Discussion

- 1. Bulk Chart:** The Applicant is seeking a bifurcated Use Variance Application. Therefore, site plan and bulk variances approval would be sought as a secondary application if the drive-through use is approved. However, as part of site suitability for a use variance, compliance with the other standards of the zone should be considered. The Applicant would require the following bulk variances and design waivers from the ORC zone.

| Standards | Required | Existing | Proposed |
|--|---|-----------------------------|---|
| Lot Area (Min.) | 15,000 SF | 17,904 SF | No Change |
| Lot Width (Min.) | 100' | 120' | No Change |
| Front Yard Setback (Min.) | 30' | 21.8' (E) | 35.8' |
| Side Yard Setback – East (Min.) | 10% of lot width = 12' | 8.3' (E) | 73.5' |
| Side Yard Setback – West (Min.) | 10% of lot width = 12' | 57.5' | 30.5' |
| Side Yard Setback – Combined (Min.) | 20% of lot width = 24' | 65.8' | 104' |
| Rear Yard Setback (Min.) | 25' | 88.7' | 73.7' |
| Floor Area Ratio (Max.) | 0.5 | 0.102 | 0.036 |
| Building Coverage (Max.) | 30% | 10.19% (1,825 SF) | 3.63% (648 SF) |
| Lot Impervious Coverage (Max.) | 75% | 76.29% (13,659 SF) (E) | 74.8% (13,400 SF) 75.4% (13,500 SF) (V) |
| Building Height (Max.) | 35' | <35' | 16'-11" |
| Building Stories (Max.) | 2.5 | 1 | 1 |
| Distance From Building to 1- or 2-Family Residence Zone (Min.) | 20' | 66.93' | 34.46' |
| Landscaped Buffer – East Side Yard (Min.) | 5' | Not Provided (E) | 5' |
| Landscaped Buffer – West Side Yard (Min.) | 5' | Applicant to Confirm | 7.5' |
| Landscaped Buffer – Rear Yard (Min.) | 7' | Applicant to Confirm | 12.6' |
| Parking Location | Not in front yard | Not in front yard | In front yard (V) |
| Parking Screening (Min.) | 5' tall | Applicant to Confirm | Applicant to Confirm |
| Architectural Character | Maintain the character and architecture of the existing structure | N/A | Not maintaining the character and architecture of the existing structure (V) |
| Principal Buildings per Lot (Max.) | 1 | 1 | 1 |
| Principal Building Area per Lot (Max.) | 6,500 SF | Applicant to Confirm | 648 SF |
| New Buildings Stories Above Grade (Min.) | 2 | 1 (E) | 1 (V) |
| Roof Pitch (Min.) | 4:12 | Applicant to Confirm | Applicant to Confirm |
| Trash Setback from Residential Zone or Use (Min.) | 7' | Applicant to Confirm | 9.2' |
| Lighting Setback from Residential Zone or Use (Min.) | 8' | Applicant to Confirm | Applicant to Confirm |
| Lighting Height (Max.) | 8' | Applicant to Confirm | >8' (V) |
| Ground-Level Mechanical Equipment Screening | Landscaping, walls or fencing | Applicant to Confirm | Applicant to Confirm |
| Primary Building Entrance (Min.) | 1 in front facade | 1 | 1 in front facade |

| Standards | Required | Existing | Proposed |
|-------------------------------------|---|-----------|----------------------|
| Parking Spaces (Min.) | In accordance with industry standards – 1 space per employee = 5 spaces | 21 spaces | 9 spaces |
| EV Make-Ready Parking Spaces (Min.) | 1 space | N/A | Applicant to Confirm |
| (E) Existing Condition (M) Variance | | | |

2. Design Standards Table:

| Design Standards | Required | Existing | Proposed |
|--|---------------------------|----------------------|----------------------|
| Parking Space Width (Min.) | 10' | Applicant to Confirm | 8' (W) |
| Parking Space Length (Min.) | 18' | Applicant to Confirm | Applicant to Confirm |
| Parking Side Yard Setback – East (Min.) | 5' | Applicant to Confirm | 5' |
| Parking Side Yard Setback – West (Min.) | 5' | Applicant to Confirm | 7.5' |
| Parking Rear Yard Setback (Min.) | 5' | Applicant to Confirm | >5' |
| Parking Setback from Residential Zone (Min.) | 10' | Applicant to Confirm | >10' |
| Parking Area Landscaping (Min.) | 10% of parking area | Applicant to Confirm | Applicant to Confirm |
| Parking Area Trees (Min.) | 1 tree/12 spaces = 1 tree | Applicant to Confirm | Applicant to Confirm |
| Parking/Loading Area + Driveway Curbing | Granite block | Granite block | Granite block |
| Bicycle Parking (Min.) | 3 spaces | Applicant to Confirm | Applicant to Confirm |
| Driveway Entrance Width | 24'-46' | Applicant to Confirm | 26.8' |
| Driveway Aisle Width (Min.) | 24' | Applicant to Confirm | 20' (W) |
| Loading Spaces (Min.) | 1 space | Applicant to Confirm | 1 space |
| Loading Space Dimensions (Min.) | 12' wide by 50' long | Applicant to Confirm | Applicant to Confirm |
| Side + Rear Fence Height (Max.) | 6' | Applicant to Confirm | Applicant to Confirm |
| (W) Waiver | | | |

3. **Standard of proof for “c” bulk variances:** The Applicant must prove, and the Board must find that the necessary criteria for “c(1)” and/or “c(2)” variances, identified by the Municipal Land Use Law at section 40:55D-70, have been satisfied. The criteria are as follows:

For a c(1) variance, the Applicant must prove hardship:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
- By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
- By reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such

a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship,

- AND that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

For a c(2) variance, the Applicant must prove:

- That the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirement; and
- That the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.