

RARITAN PLANNING & ZONING BOARD
22 First Street
RARITAN, NEW JERSEY

Minutes of July 23, 2014 Meeting

Present: Mayor Liptak

Councilwoman Carra
Chairman, T. Granahan
Ms. D. Thomas
Mr. T. Brown
Mr. W. Cunningham
Mr. R. Rispoli
Mr. J. Gausz
Mr. R. Zack
Mr. D. Forktus
Mr. R. Miller

Absent: Ms. D. Thomas
Mr. J. Del Rocco
Mr. L. Gara

Also Present: Susan Rubright, Esq.
S. Schrek – VCEA – Engineer

Chairman Granahan called the meeting to order at 7:30 p.m.

Flag Salute

Chairman Granahan read the Open Public Meeting Notice as follows:

This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was sent to the Courier News on January 11, 2014. In addition, copies of the notices were posted on the bulletin board in the Municipal Building, on the Raritan Borough website, and filed in the Office of the Borough Clerk. They were also sent to those people who have requested and paid the cost for mailing same. Notices on the bulletin board have remained continuously posted. Proper notice having been given, the Board secretary is directed to include this statement in the minutes of this meeting.

Minutes:

(Approval of the June 23, 2014 minutes was overlooked until the end of the meeting)

Engineer's Report: Mr. Schrek reports that Council discussed the development of the riverfront with a possible open air market and hotel chain. He states that Greenway Riverfront Standards for privately owned recreational use is already getting positive responses and the owner of the golf driving range has begun to make improvements coinciding with these plans and showing good faith.

Mr. Miller arrived at 7:34 p.m.

Zoning Officer's Report: None

Mayor Liptak received notice of resignation of Mr. DelRocco.

Old Business:

The application for Raritan Johnson & Associates, LLC has been adjourned without further notice until August 27, 2014.

Stan Schrek has spoken to the owner and engineer for this application and states they will be back with a plan for the next meeting.

New Business:

Raritan Real Estate, LLC preliminary and final site plan for Block 31; lots 2&3, West End Avenue; D-3 zone

Applicant is proposing a mixed use building with a restaurant with both a Tim Horton's and Cold Stone Creamery; with a drive-thru on the ground floor and an office on the second level. **This will be a Preliminary Hearing only.**

Present is Attorney Marcia Zeleski for the applicant. Attorney Zeleski states that her client has taken some of the suggestions of the Board and incorporated them into the site plan.

Swearing in of Kerrim Jivani – Representative of Tim Horton's

1st Witness: Kerrim Jivani: 3 Debra Court, Marlboro, NJ 07746:

Mr. Jivani has provided the Board with a To-Go menu which will be admitted as Exhibit A1.

Attorney Zaleski asks the witness to explain about the services and products of the franchise, Tim Horton's.

Witness: There are 4500 stores operating in Canada and 900 in the United States. Franchise is one level above that of Dunkin Donuts and one level below Panera. They serve a variety of soups, sandwiches, etc. and all baking is done on the premises. The Corporation is "green" and therefore their cups and paper products are made of recycled products.

Attorney Zaleski asks the witness to explain how the customer service works.

Witness: The goal is to have the individual customer in and out within 90 seconds and a few extra seconds for family meals. Food is made fresh to order.

The facility will operate on a 24/7 basis. Walk-in service is closed at midnight and will reopen for regular business at 6:00 a.m. Drive-thru will operate 24/7. Two employees will remain on site between the hours of 12:01 a.m. and 6:00 a.m. By 7:00 a.m. there should be 12-13 employees on site which includes the manager and general manager.

The plan is to have an administrative office on the second floor which will be utilized for employee training purposes. The approximate square footage of this office space is 1600 sq. ft. There is no intention to lease the 2nd floor space out to another business.

This restaurant franchise will replace the current Fresh Food kitchen which also serves similar foods.

Mr. Javani states he has franchise rights in New Jersey and Staten Island. He took over a Tim Horton's last year in New York and previously owned Dunkin Donuts stores in Newark, Elizabeth and Linden, NJ.

Swearing in of David Stires – Engineer

2nd Witness: David Stires; 678 Route 202-206 North, Bridgewater, NJ

Board approves of Mr. Stires' qualifications.

Original application was made in November of 2013. The original plans have changed since the original application which only requested one lot. A supplemental application submitted in February 2014 and tonight's application is the 2nd amended application.

Motion to deem the application complete: 1st J. Gausz and the Mayor 2nds the motion.

Site configuration includes the current Fresh Food Kitchen as well as and existing vacant dwelling and three office buildings before the Somerset Lawn & Garden.

Original proposal for Horton's facility was originally only for the Fresh Food Kitchen lot but there were concerns for the drive-thru and a the proposal was increased to reflect both lots. Proposed lot will contain a 24 space parking lot, stacking for 10 vehicles in the drive-thru lane, LED lighting, landscaping and repaving of the lot.

The proposal if for Tim Horton's/Cold Stone Creamery to be a 2500 sq. ft. bldg. which would include 57 seats; inclusive of 16 seasonal seats on the outdoor patio on the west side of the bldg.

Memo from Stan Schrek's office dated 01/20/14 regarding zoning and a dispute regarding the difference of a drive-in restaurant (i.e. Sonic) and a drive-thru restaurant. This facility will have a drive-thru and customers will eat and drink off-site. Attorney Rubright defines the distinction between drive-thru and drive-in. Board is polled and is in agreement to the definition.

Parking has been proposed as 1 parking space for every three seats which equates to 19 parking spaces. Additional spaces are needed for the administrative office (7) which totals a need for 26 spaces. Application currently has 24 spaces on site with 10 stacking spaces for the drive-thru.

Board is in favor of a 5 minute recess to allow the applicant's attorney to reorganize and prepare to discuss the parking variance.

Meeting resumes.

Mr. Stires resumes his testimony referencing Stan Schrek's 2nd memo of July 22, 2014 which addresses the review comments of his earlier memo.

- Item 1) Traffic testimony is required - forthcoming
- Item 2) *ADA Compliant Ramps*
- Item 3) Consolidating the two lots - subject to approval
- Item 4) Plans were prepared based on a survey by Mr. Stires' office
- Item 6) Requesting a partial waiver for curbing on the East side of the property as front of building grates back towards Frelinghuysen.

Mr. Stires states on the STS side, the building prohibits curbing because it would change the grade against the building – as with the building on the other side. Impervious coverage is slightly less than what exists on site. There is more flow towards West End Ave, reducing the flow towards Frelinghuysen. A six month test of a dry well in the backyard and the result is there is no percolation what-so-ever.

Mr. Stires states there are currently two options:

1. Provide an easement across the adjoining property starting from a small area to the south to 206;
2. Create a sump.

Mr. Deutsch is a neighboring property owner. Mr. Deutsch is looking for an access easement across the subject property towards West End Ave. Client does not want a driveway through the back of the facility. Mr. Deutsch discussed the possibility of putting an inlet on his property to help the draining situation. However, they are anxious to move forward and this is not the best option.

Preferred engineering option is the one which includes the easement. Pipe system will be more expensive.

Stan Schrek - surrounding properties are curbed and water is collected and filtered and drained.

Susan Rubright states the board cannot evaluate an option which does not exist without an easement and cannot require an adjoining property owner provide the applicant with an easement.

The signage is proposed to be in the location of the northwest corner and along the STS border. Signs will be raised to have visibility from the overpass and 202.

No questions from the Board.

Lighting will be LED and will be on from dusk until dawn.

Landscaping will be a perennial bed in the front and at the west of the building and landscape treatments at the entrance and patio site. Pine trees will be at the rear and along the residential properties.

Attorney reintroduces applicant representative.

Applicant's attorney requests the representative reiterate the number of employees who will be on site and the hours in which they will be on site.

Answer: Four people at 6 a.m. From 7 a.m. to 9a.m. there are 12 employees. After 9 a.m. they will be back to 4 employees. Most traffic will be through the drive thru. Most of the employees carpool to eliminate parking on site.

The board questions the validity of the employee scheduling due to the fluctuation in the employee hours.

Question: Do you feel this location will incur more driving or walking customers?

Answer: Most customers will use drive thru

Percentage of drive thru business is 70% after 9:30 a.m.

Question: What percentage of the business is ice cream?

Answer: Most of the ice cream business is 7 p.m. to 9 p.m.

3rd Witness: Doug Polyniak, 792 Chimney Rock Rd., Suite B, Martinsville, NJ

Swearing in of Doug Polyniak - traffic engineer.

Bachelors in Science & Civil Engineering

Dolan & Dean Consulting – 9 years

Licensed in NJ for 10 years

Traffic Engineering is expertise.

Board approves of his qualifications.

Attorney addresses Mr. Polyniak with the board concerns with parking and traffic. Mr. Polyniak states the location currently has 3 existing driveways. A DOT access application was required for changes and consolidation of lots. 10 stacking spaces provided from the pickup window – requirement is 4 from the pickup window. A study of Dunkin Donuts showed that 9 stacking spaces were sufficient.

Dunkin Donuts in Flemington had a max of 10 stacking spaces at morning peak.

ITE standards for a fast food restaurant is a facility with 57 seats is 21 ½ - 22 parking spaces which leaves 2 spaces for the office space.

The ingress will remain the same as the current space.

The Board requests:

- have a traffic study done between the hours of 6 a.m. & 9 a.m. with the que at the light at the traffic circle and site frontage;
- study at Dunkin Donuts on Route 22 for parking issues similar to this site;
- study to see if solution would be a no left hand turn sign to circle – rerouting the traffic to Bell Avenue;
- stacking study at peak times to determine the safety of parking patrons.

Question: What is the contingency plan for parking should stacking exceed 10 spaces?

Answer: There is a possibility for 11 cars to curb a potential issue.

Mr. Rispoli states parking is a concern due to Cold Stone Creamery's "folding" ice cream practice and the children watching.

Attorney Rubright wants clarification to the seating/parking ratio. Mr. Polyniak confirms a total of 57 seats (16 outside/41 inside) necessitating 19 spaces for the restaurant and 2 for the office. ITE standard of 22 spaces incorporates the need for office parking spaces.

Attorney Rubright would like Mr. Polyniak to check on the number of seats in the Flemington Dunkin Donuts to see if the seating is comparable. She would also like the spaces allocated for Tim Horton's and Cold Stone Creamery during peak hours.

Stan Schrek requests a written traffic report on the studies.

Mr. Granahan suggests making changes to the design of the building to help eliminate office space parking issues. It is recommended moving the entrance to the elevator to the stairwell.

4th Witness – Kiew Pau, 151 Minna Ave., Avenel, NJ

Swearing in of Kiew Pau - Architect

Attended Penn State and licensed in NJ for 10 yrs.

The design of the building was approved by the Franchise. There is no structural reason for the door not to be moved and moving the door will not have any impact to the second floor.

The Board is concerned with the impact to parking and traffic will be while there is training going on. It was confirmed that training will be during off peak hours, and not every day.

Re-introduction of Kerrim Jivani.

Training:

Most of the training is done on the first floor prior to the opening of the store. Training is for new products and done during off peak hours. Additional training is upstairs which consists of online training via a video. Training is through the Tim Horton's franchise.

Offices are used for training purposes and file storage. Managers' offices are on the first floor along with a break room.

Applicant Jivani agrees not to sublease the second floor if it is a condition of the application approval.

All decisions must be approved by the fire officials.

Open for public questions.

Sydney Deutsch, 33 Victoria Drive, Belvidere, NJ

Mr. Deutsch owns the properties at 12 and 14 Frelinghuysen Ave. Claims there is a drainage issue on the property and is concerned with adding additional parking with curbing. He would like to know how the engineer will alleviate the existing water problem between the adjoining properties.

Requested the applicants' attorney speak with Mr. Deutsch to resolve this issue.

Application adjourned to August 27th without additional notice.

Next application is Bagelicious. Applicant's attorney is not present at the time and the Board decides to adjourn the meeting to August 27th.

As the applicant's attorney has now arrived, the board calls to conclude the meeting by 10:30 p.m.

Now present is Pasquale Marago, Esq., 25 East Somerset St., Raritan. Attorney Marago represents Bagelicious and its owner, Daniel Bessaparis.

1st Witness: Dave Stires

Swearing in of Dave Stires.

Board has accepted his credentials.

Bagelicious is located at 25 East Somerset Street and has been at this location for 10 years. Bagelicious occupies approximately 2/3 of the space which it shares with Attorney Marago's law firm. The application is for a walkup ice cream window on Lincoln Street and to utilize the basement for mixing of the bagels or some type of dancing, wrestling studio.

Building is just over 3,000 sq. ft. Lincoln Street provides a service corridor. Parking is available off of Lincoln. There are 16 parking spaces on-site. One parking space will be lost due to a service door on the west side.

Client has a joint parking arrangement with the church across the street and will obtain this in writing.

The hours of operation are:

6 a.m. – 3 p.m. Bagelicious

4 p.m. – 9 p.m. on Sunday – Ice cream

4 p.m. – 10 p.m. on Saturday – Ice cream

4 p.m. – 8 p.m. off season

Applicant agrees to comply with the lighting requirements.

Engineer will provide a traffic survey.

Fencing and buffering will be discussed at the next meeting (August 27th.)

Pedestrian access along Lincoln Street is a concern. Applicant is requesting a waiver on curbing and sidewalks. The board is concerned with the increase of pedestrians and their safety. The ability to see people will be restricted by the 2 parking spaces between the door to Bagelicious and the proposed walk-up window.

Documents need to be obtained stating “no response” from safety agencies.

Board needs to know where the door is located on the East side going downstairs. Estimation seems to be at the walkup window. Engineer states it is not delineated properly. If use is approved for downstairs, there will be an increase in traffic.

Witness 2: Daniel Bessasparis, Bagelicious, 25 East Somerset Street, Raritan

Swearing in of Daniel Bessasparis

Board questions whether or not the ice cream window and additional seating were approved prior to making the improvements because they are not on the site plan.

The engineer must redo the plans to include the outdoor seating. It is proposed that the window may need to be relocated.

Attorney Marago for the applicant states the window was on the original application and that the window was mistakenly believed to be a ventilation window. Mr. Marago believes the town overlooked the actual purpose of the window.

Mr. Bessasparis claims the window is not open for business.

The Board recommends giving the applicant more time to prepare and modify his application for the necessary variances for parking and utilization.

Open to the Public for questions:
No requests.

Application is adjourned until August 27, 2014.

No public participation.

Motion to adopt the 7/23/2014 meeting minutes; 1st Mr. Miller and seconded by R. Zack.

All members are in favor. Councilwoman Carra abstained.

Mr. Rispoli asked about giving liberties for parking on Main Street as a means of helping our business owners succeed. Mr. Granahan agrees however is more concerned with the safety aspect.

Discussion ensues regarding parking issues with business owners, shared parking and lack thereof.

Motion to adjourn made by Bill Cunningham and seconded by Mr. Forktus.

Respectfully submitted,

Lisa Snyder