

Offered By: Vice Chairman Lavan

Second: Mr. Skowronski

Date: 8/20/2015

Minutes of May 21, 2015 Land Use Board Meeting

Regular Meeting of the Hazlet Township Land Use Board scheduled for May 21, 2015 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance by Vice Chairman Lavan.

ROLL CALL:

Present: Mr. Bace, Mr. Skowronski, Mr. Nicholl, Mr. Sanfilippo, Vice Chairman Lavan, Deputy Mayor Aagre, Mr. Grossman

Professionals- Mrs. Keegan, Mr. Vella, Mr. Kittner

Absent: Mr. Solomeno, Mayor Sachs, Chairman Tyler, Mr. Moore, Mr. Vignola, Mr. Byrne

**New Case # -15-08L- Jason Lindgren; 40 Nevada Drive; Block 103 Lot 14; R-70 Zone.
Applicant is seeking permission to retain existing pavers, shed and above ground pool.**

Michael Leckstein Esq. of Leckstein & Leckstein in Little Silver NJ representing the applicant.

Mr. Vella- The board has marked A-1 as the application with survey, A-2 pictures of subject property and LUB1 report by CME.

Mr. Leckstein- I would like to hand out a survey that was originally done in 2003.

Mr. Vella- We will mark the survey as A-3.

Mr. Leckstein- The purpose of this document is that my clients were contract purchasers at the time. They had no idea that there were any problems and entered into a contract. Apparently the seller said they would remove the shed and it was at that point we would have to go for a zoning variance because the pavers were put on around the pool. The pool was there since 2003.

Swearing in Jason Lindgren

Mr. Leckstein- Jason, this is your first home that you and your wife bought. At the time did you know there were any problems with the pool, shed or pavers?

Mr. Lindgren- No I did not.

Mr. Leckstein- During the course of the purchase you got a mortgage commitment?

Mr. Lindgren- Yes.

Mr. Leckstein- You're asking the board tonight now tonight to approve the locations of the pool which has been there 10 or 15 years and the pavers around the pool and keep the shed if you could?

Mr. Lindgren-Yes. I went to the neighbors on the side and rear of the house and they all said they did not have a problem with anything in the yard.

Mr. Vella- Our engineer confirmed that the shed is conforming to the setbacks.

Mr. Leckstein- It would be a hardship for them to remove to remove all this and move the pool.

Mr. Kittner- I noticed on the survey it doesn't show the location of the pool equipment.

Mrs. Keegan- It's on there it's the 4 feet.

Mr. Kittner- Just for the record the filter will also require a variance for the 4 feet.

Mrs. Keegan- It's on the pavers.

Mr. Kittner- Do you have any issues with flooding?

Mr. Lindgren- Not that I know of.

Motion to Approve:

Offered: Deputy Mayor Aagre

Second: Mr. Grossman

ROLL CALL

Yes

No

Mr. Nicholl

Mr. Byrne (absent)

Mr. Bace

Mr. Vignola (absent)

Mr. Solomeno (absent)

Vice Chairman Lavan

Chairman Tyler (absent)

Deputy Mayor Aagre

Mayor Sachs (absent)

Alt #1 Mr. Grossman

Alt #2 Mr. Moore (absent)

Alt #3 Mr. Skowronski

Alt #4 Mr. Sanfilippo

New Case # -15-07L- Girgis & Girgis, LLC Tim Horton's Café and Bakery; 3253 Highway 35; Block 166.09 Lot 11; BH Zone. Applicant is seeking use variance relief with several bulk variances.

Mr. Vella- Since this application is a D variance we will have to ask the Deputy Mayor to recuse himself from this application. The board has pre-marked certain exhibits A-1 site plan and variance plan, A-2 preliminary plans, A-3 traffic report and LUB 1 CME's report.

Mr. Pape- My name is Kenneth Pape attorney for the applicant for Girgis and Girgis. They are a perspective tenant at the property that was just described. There is a building that was built some 15 years ago and operated as a Dunkin Donuts that has been vacant for some time and it's there we are asking permission to establish the Tim Horton's facility. The D variance is required because fast food restaurants are not permitted.

Swearing in Hussan Ibrahim

Mr. Ibrahim- I have an aerial map from the google map showing the property lines.

Mr. Vella- We will mark that as A-4.

Mr. Ibrahim- This will show us the existing conditions on the property. The building that we are seeking application for is about 3,600 square feet.

Mr. Vella- We will mark as A-5 mounted site plan with colored improvement area.

Mr. Pape- This is a fully developed site and we do not propose to make modifications to the site or increase impervious area. Is there any change with grading on this site?

Mr. Ibrahim- It's very minimal changes in the grading in order to accommodate the modifications to the existing curb or rebuild those existing concrete curbs and sidewalk.

Mr. Pape- Any new impervious coverage from a drainage perspective?

Mr. Ibrahim- No and there is no changes to the drainage pattern and everything will remain as it is. We will be introducing new inlets that are located at the low point that was created as a result of the minor grading that will be connected to the existing storm water system.

Mr. Pape- From a circulation perspective would you describe to the board the nature of the changes in circulation on the site?

Mr. Ibrahim- The changes started at the right end entrance of route 35. It's only one way in and it's going to have a one way isle going all the way to the rest of the site. We've done some modifications to the parking spaces that are located to the east of the side. There used to be 90 degree parking spaces where we have converted them to 60 degrees in order to comply with the one way traffic coming into the site.

Mr. Pape- How many parking stalls are on this portion of the site?

Mr. Ibrahim- I think it's about 176.

Mr. Kittner- Your plan indicates 172 spaces.

Mr. Pape- Part of the circulation for this center includes a cue for the drive thru. Can you explain where it is on the plan, length, its capacity for storage and vehicles?

Mr. Ibrahim- The proposed driveway is on the right side of the building roughly about 10feet wide and is separated from the proposed runway painted lines.

Mr. Pape- What's the length?

Mr. Ibrahim- Roughly 250 feet all around the building.

Mr. Pape- With regards to the lighting and landscaping, there's no change to the parking lot lighting?

Mr. Ibrahim- There are no proposed changes.

Mr. Pape- Please identify the requested signs on the plan.

Mr. Ibrahim- First one is a monument sign on 35. We are proposing directional signs and entrance signs and also we are proposing direction signs to exit the site.

Mr. Kittner- Can you describe the monument sign and the setbacks from the property line?

Mr. Ibrahim- The planner can answer that question.

Mr. Pape- The driveway configurations are the same.

Mr. Nicholl- Are there currently entrance and exits signs on the property?

Mr. Kittner- There are existing signs but the entrance sign is pushed over.

Swearing in Willy Girgis owner

Mr. Pape- You own a Tim Horton's in Staten Island?

Mr. Girgis- Yes that's correct.

Mr. Pape- What are the hours for the Tim Horton's here in Hazlet?

Mr. Girgis- It's going to be 5am to 12am.

Mr. Pape- How many employees are there going to be and hours that employees come in and start working in the building?

Mr. Girgis- 5 to 10 employees in the morning and 4 am until about 1am.

Mr. Pape- How many employees total?

Mr. Girgis- Between 25-30 people.

Mr. Pape- I would like for you to describe how the drive-thru works.

Mr. Girgis- As the customer approaches the drive thru lane they come to the menu board and start ordering the food. We have 2 windows. They pay at the first windows and pick up the food at the second window. Two windows are there for the purpose of the speed of service. We don't want the customer to be waiting for than 2-2.5 minutes in line.

Mr. Pape- Is there a certain length of cue that makes people abandon the line?

Mr. Girgis- If people see 7 maybe 8.

Mr. Pape- What percentage of your customers are drive thru customers?

Mr. Girgis- about 60% drive thru and 40% come inside.

Mr. Pape- Will you be using the trash removal facility on site?

Mr. Girgis- Yes.

Mr. Pape- For purpose of deliveries can you explain to the board the number of deliveries, how they are controlled and where the delivery truck would stay when making a delivery.

Mr. Girgis- The delivery truck comes 2 times a week. It's a drop in key and they come when the store isn't operating. They pull by the building and leave it inside the door and go.

Mr. Pape- Is this a Tim Horton's delivery?

Mr. Girgis- Yes.

Mr. Lavan- What time are deliveries and what size truck?

Mr. Girgis- The truck comes twice a week and it's an 18 wheeler sometime between 1 and 3 o'clock in the morning.

Mr. Kittner- And when they make that delivery where do you expect they will cue?

Mr. Girgis- Right next to the building where the drive thru will be.

Mr. Vella- How long does it take them to unload the trucks?

Mr. Girgis- About an hour and a half.

Mr. Kittner- Your lane is about 10 feet wide approximately 9.8 on the plans, with the truck there is there sufficient room for vehicles to still pass by the truck?

Mr. Pape- There is an 18 foot travel lane so the truck would fit entirely inside of the cue lane.

Mr. Kittner- And when you were talking about the enclosure before you were talking about the existing masonry dumpster that is located on the east side up against the curbing correct?

Mr. Pape- Yes.

Mr. Kittner- Are there any plans to upgrade the dumpster enclosure?

Mr. Pape- We are going to give the building a refreshing coat so we can do the same for the enclosure.

Mr. Vella- What is a Tim Horton's?

Mr. Girgis- It's basically a Dunkin Donuts with different products.

Mr. Kittner- There was a space that was reserved on the plan for a Tenant B. Can you go into detail about that?

Mr. Girgis- It's going to be a corporate office and storage but it has the first drive thru window which is going to expedite the speed of service in the drive thru.

Mr. Pape- We have building mounted signage and the total of their 4 signs on the building are 87 square feet and the maximum square footage that is permitted is 80 square feet. I would like the board to hear you confirm that there will be 80 square feet or less and there will be no request for building signage variances.

Mr. Girgis- Yes.

Swearing in Jeffrey Kusmick Architect

Mr. Kusmick- I've prepared 3 plans. The existing building is 90x40 feet overall and has a 4 foot over hang. In the proposed plans we are going to remove all of that to change the architectural character to give it more of a 3 dimensional look to the building. Interior wise we are proposing to put in 2 code complaint handicapped assessable bathrooms and the way it's laid out is you'd enter in through the vestibule doors with a secondary side exit for handicapped accessibility. On the western side of the building we are proposing 38 seats. There is a front counter and behind that is an L shaped counter. We added a few small projection areas to the building which I think was 120 square feet.

Mr. Vella- We will mark as A-6 mounted colored elevation plan.

Mr. Kusmick- We are proposing to introduce the typical elements of Tim Horton's onto the building. The building right now is a synthetic stucco finish and a big part of that will remain. To change the character of the building we've introduced a vestibule element that is being proposed as a brick structure. We are proposing awnings that are typical for Tim Horton's on the front window as well as the 2 side windows and 2 western side openings. Also, we are proposing a horizontal band that has some of the menu items on it. Over the awning elements and around the building is to have goose neck lighting and metal banding.

Mr. Pape- You also designed the signs for that site if you could introduce that and describe the signs to the board.

Mr. Kusmick- The drawing indicates not only the monument sign but also the 2 entrance signs and exits signs that would flank of the ingress part of the site access as well as the egress. The monument sign overall is approximately 8 feet by 2 feet wide and it will be double sided. There will be a small signage indicating that Tim Horton's will have a drive up window.

Mr. Pape- Would you be able to place the entrance and exit doors on the side of the vestibules per CME's comment?

Mr. Kusmick- Yes.

Mr. Kittner- If you modify those entrances they will be ADA accessible correct?

Mr. Kusmick- Yes.

Mr. Vella- I have marked the last plan as A-7 mounted color site plan.

Mr. Nicholl- I have 5 feet outside the front vestibule would be a better solution than splitting the doors and putting them on each side.

Mr. Kusmick- So you're suggesting keeping the double doors but moving it back one foot?

Mr. Nicholl- Yes.

Mr. Kittner- It looks like there is 7 feet of distance from the building itself to the edge of curb.

Mr. Kusmick- Yes I believe you're right.

Swearing in Frank Miskovich Professional Engineer

Mr. Pape- Can you please share with the board your guidance regarding the entrance vestibule?

Mr. Miskovich- The concern is having enough room when the door swings open to bypass a person walking on the sidewalk. Usually 3 to 4 feet in front of the door is what we've been working with. I think having it to the sides gives it more of a safety area. On the westerly side of the building we do have a handicapped ramp because we have the handicapped parking space.

Mr. Pape- There's a question that the chair has brought up which is it a safe turning movement to come off of Highway 35, enter the site and make a left through the front of the building?

Mr. Miskovich- I think this site is ideally suited for this. You enter on the east you exit all the way through the property on the west. As you come in off route 35 your main driveway access takes you into the bypass lane. You wind directly into the back and the stacking lane is off to the left so as you come in you have a decision plank into the drive thru that continues to the back. We left this way open to that any traffic coming in can still travel to other tenants. We are suggesting that the drive isle between the main building and the drive thru be one way. Right now there is perpendicular parking on the eastern side of the property we've angled that to about 60 degrees. On peak time

there could be 8-12 cars stacking which is mainly in the morning. With a 60 degree angle parking that we are proposing you have an 18 foot isle requirement so we meet that. 9.8 feet for the drive thru lane which is almost 10ft is adequate for a truck to pull in so if you look at the time of deliveries and the fact that we meet all the dimensions that's sufficient for the loading operations.

Mr. Pape- Mr. Kittner points out that there might be some opportunities to enhance pedestrian safety by providing areas for movement. Could you describe how you would approach adding in striped walkways?

Mr. Miskovich- There none exists in the shopping center today. As far as our particular site there was a comment about providing a walkway from route 35 into the property. The surest way to put it on the entrance drive and have a crosswalk shown on the easterly side of the building that is handicapped assessable and striped that's definitely doable.

Mr. Pape- We are proposing 9x18ft parking stalls, is that an adequate parking stall dimension and is it consistent with the parking striping plan?

Mr. Miskovich- The parking spaces are consistent with everything that's on the site today.

Mr. Skowronski- How big is the tractor trailer that's delivering and how will it exit the site?

Mr. Miskovich- They can go around the entire building. Depending on the time of day and where he parks he can swing out and make the turn but they might just pull into the parking spots that are vacant and then continue around.

Mr. Bace- The tractor trailer going behind the building at 1,2,3 in the morning could disturb the residents back there.

Mr. Miskovich- The main isle is about 30 feet wide in front of the building and if I turn around 30ft is enough room to make the swing and even though we have the islands on the end at the western side with no one parked there it looks like it is enough room.

Swearing in Mr. Higgins Professional Planner

Mr. Higgins- You have an existing fast food facility on site that doesn't have a drive thru but by putting the drive thru brings this area into the 21st centuries. This will eliminate the need for someone to get out of their car in in climate weather and eliminates parents with young child to exit the car and reduces pedestrian traffic which are all substantial improvements to the site. There will be improved handicapped accessibility within the site and improved pedestrian circulation with a connection between the sidewalk on the highway and the site. The one negative impact I can see is the trucks traveling around the back of the building in the early morning hours but by requiring the trucks to stay in front of the building I don't think there will be a substantial negative impact. With regard to the 2 bulk variances which are the font yard setback and the vestibule, I think there are positive reasons for the granting of that variance. With regard to signage I think there are positive reasons for those variances to be granted. The monument sign is very aesthetically attractive and the lighting would make it easier to identify the spot at a distance.

Citizen Hearing:

Swearing in Craig Jacobs 22 Stonehurst Terrace.

Mr. Jacobs- My question is related to privacy with the trees and buffer zone and that nothing is going to happen with that separating the residents and businesses.

Mr. Pape- There will be no change to the buffer area at all.

Mr. Jacobs- All the headlights from that cue lane are going to get head lights into their windows.

Mr. Vella- It appears that there is a wood fence.

Mr. Jacobs- There is but it's lower than the parking lot.

Mr. Pape- The applicant will agree to meet Mr. Jacob and Mr. Kittner on the property to install landscaping and fencing as necessary.

Mr. Kittner- I recommend Mrs. Keegan meet with us too.

Mr. Pape- That would be an acceptable condition of relief the board consider.

Swearing in Catherine Nance 29 Galewood Drive

Mrs. Nance- The chain link fence was never fixed after a car drove into it and it's in a dangerous condition. To have 2 deliveries a week at 2 or 4 am is something you have to think about. The fence needs to be fixed that was impacted by the vehicles on Galewood Drive.

Mr. Pape- We will extend the offer to Mrs. Nance to joins us with Mr. Jacobs, Mr. Kittner and Mrs. Keegan and Mr. Girgis at the site.

Motion to Approve:

Offered: Mr. Skowronski

Second: Mr. Grossman

Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Alt #1 Mr. Grossman

Alt #2 Mr. Moore (absent)

Alt #3 Mr. Skowronski

Alt #4 Mr. Sanfilippo

Close citizen hearing:

VOICE VOTE: YES

Motion to Adjourn: Sole Offer

Next Meeting: June 4, 2015

Patricia Cullen



Secretary