

BOROUGH OF WATCHUNG
BOARD OF ADJUSTMENT
DANIEL CRONHEIM, CHAIRMAN

Regular Meeting
February 5, 2019

OFFICIAL MINUTES
Adopted March 14, 2019

Chairman Cronheim called the Regular Meeting to order at 7:38 p.m. Board members present were Ms. Fechtner, Mr. Hunsinger arriving at 8:00 p.m., Mr. Dallas, Mr. Brown, Mr. Kita, and Mr. Lauerman. Also present were Steve Warner, Esq., Board Attorney, David Stires, P.E., Board Engineer, Ed Bennett, Zoning Official and Theresa Snyder, Board Clerk. There were 10 members from the public present.

Chairman Cronheim read the statement indicating the meeting was being conducted according to the Sunshine Law, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. He then led the flag salute to the American flag, and the Board members identified themselves for the record.

OATH OF OFFICE

Hank Kita for a 4 year term ending December 31, 2022
Ed Lauerman Alt. #1 for a 2 year term ending December 31, 2020

Chairman Cronheim thanked Mayor Balla for attending the meeting.

APPROVAL OF MINUTES

On motion by Mr. Dallas, seconded by Mr. Brown, the January 10, 2019, Reorganizational & Regular Meeting minutes were accepted and carried on voice vote.

RESOLUTIONS

Resolution BA 19-R6; Girard
Case No.: Ba 18-14; Girard
Address: 897 Valley Road
Block: 7302 Lot: 18
RR Zone
Approved 1/10/19

On motion by Chairman Cronheim, seconded by Ms. Fechtner, the Board adopted the Resolution based on the following roll call vote:

Roll Call:

Ayes: Ms. Fechtner, Mr. Dallas, Mr. Brown, Mr. Lauerma
and Chairman Cronheim

Nays:
Not Eligible: Mr. Kita

Abstain:
Absent: Mr. Hunsinger, Mr. Panzarella

Resolution BA 19-R7; Papparatto
Case No.: Ba 18-16; Papparatto
Address: 27 Lakeview Ave.
Block: 13 Lot: 30-35
RB Zone
Approved 1/10/19

On motion by Ms. Fechtner, seconded by Mr. Brown, the Board adopted the Resolution based on the following roll call vote:

Roll Call:

Ayes: Ms. Fechtner, Mr. Dallas, Mr. Brown, Mr. Lauerma
and Chairman Cronheim

Nays:
Not Eligible: Mr. Kita

Abstain:
Absent: Mr. Hunsinger and Mr. Panzarella

CONTINUED APPLICATIONS

Case No. BA18-01; Wilderness Trails (RETS Partners, LLC)
833 Mountain Blvd.
Block 201 Lot 17
RR Zone

The Board approved the Applicant's request to carry the application without further notice to the March 14, 2019 Regular Meeting without further notice. An extension to act through April, 2019 was granted by the applicant.

INTERPRETATION

BA 19-02; WILLIAMS
ED & SHARON WILLIAMS
740 MOUNTAIN BLVD.
BLOCK: 102 LOT: 6.01
BB ZONE

Ms. Beata Szacillo, Bol Architecture, 725 Federal Avenue, Suite B, Kenilworth, NJ 07033, entered her appearance on behalf of Ed and Sharon Williams, 740 Mountain Blvd. The Board accepted her as a professional, and she along with Mr. Stires, PE and Mr. Bennett were sworn in to give testimony.

Ms. Szacillo presented EXHIBIT A-1-Architectural Drawings-12/10/18. Mr. and Mrs. Williams proposed a second floor addition over existing mudroom with second floor dormer addition. It is a residential property located in the business district. The Interpretation was for a possible D(2) variance from Sec. 28-403A(2) expansion of a non-confirming use. The homeowners wanted to enhance their house by adding dormers with an addition over the existing mudroom. The dormers would be added to increase head room. Ms. Szacillo also presented EXHIBIT A-2-Floor Plans.

Chairman Cronheim opined that this is an interesting zone. It is a remnant of an earlier era in Watchung. The uses permitted in this zone are similar to the RR Zone. The uses in the BB Zone are professional occupation. Everything else is similar to the RR Zone except the lot sizes are half the size. There are more than a couple of houses that are non-conforming.

Ms. Szacillo presented EXHIBIT A-3- Pictures from 2012. With the addition, the leaking roof will be fixed. Upon question of Mr. Warner, Ms. Szacillo confirmed the owners would be improving the property. They would not be changing the existing use or expanding the footprint.

Mr. Stires and Mr. Bennett agreed this was a de minimis change, and did not require a D(2) Variance.

With there being no comment from the public, the public portion was closed.

On motion by Chairman Cronheim, seconded by Ms. Fechtner, the Board agreed that the applicant did not require a D(2) Variance based on the following roll call vote:

Roll Call:

Ayes: Ms. Fechtner, Mr. Dallas, Mr. Brown, Mr. Kita, Mr. Lauerman and Chairman Cronheim

Nays:

Not Eligible:

Abstain:

Absent: Mr. Hunsinger and Mr. Panzarella

NEW APPLICATIONS

CASE NO.: BA 18-17: PANERA

ADDRESS: 1680 ROUTE 22 E

BLOCK: 6201 LOT: 3

HD ZONE

Expiration: 5/23/19

Mr. Paul Conciatori, esq. entered his appearance on behalf of the applicant. The applicant's professionals along with the Board professionals were sworn in to give testimony. Mr. Warner, esq. noted that the applicant's notice was sufficient, giving the Board jurisdiction to act.

Mr. Conciatori summarized the application. The subject property is located in the HD Zone. The applicant was proposing the installation of a drive thru window in the rear of the shopping center. There would be a 252 sq. foot. building bump out strictly for the preparation and service of the drive thru. The applicant requested variance from Sec. 28-501B(3) because they would be within 500 feet of property zoned residential. He further informed the Board that the operation of the existing café will not change. When the café is open, the drive thru will be open. The building bump out along with the addition of the drive thru will reduce the parking by 23 spaces.

Mr. Chris Corbo, 7 Purdue Drive, District Manager of Panera Bread, under oath, opined that Panera was seeking to do a bump out and drive thru. The 252 sq. ft. bump out would service only people coming for the drive thru. The addition would include full service menu boards and hours of operation which are as follows:

Monday – Saturday 6 am-10 pm

Sundays 7 am-9pm

The drive thru would open with the café and close with the café. Mr. Corbo opined that with Panera's current Rapid Pick-Up and the addition of the drive thru, the dine in clientele will be reduced by 20% of its present use. Panera does not currently reserve parking spaces for their RPU service whose participants must enter the building for their orders. He further described that although Panera is not a fast food chain, an average

of 3 ½ to 5 minutes for prep expedites the process. Panera observes “speed of service goals”.

On question by Mr. Hunsinger, Mr. Corbo addressed if there would be a place for cars to pull over if someone was behind the person waiting for an order. Mr. Corbo suggested that the workers dedicated to the drive thru task along with preview menu boards and full menu boards preparing customers should accelerate order readiness; therefore, reducing the number of people who would have to wait for an order to be prepared.

Mr. Corbo gave the delivery schedule for Panera as follows: Fresh bread is delivered overnight, and the other deliveries come twice a week over night. The delivery schedule will not interfere with the daily operations of the franchise.

Mr. Greg DiBona, Bohler Engineering, 10000 Midlantic Dr Suite 410W, Mt Laurel, NJ 08054, under oath, stated that he was not a licensed Professional Planner. He is a professional of site design and worked in conjunction with professional engineers at Bohler. The Board accepted him as a witness.

Mr. DiBona showed the Board EXHIBIT A-1-Ariel Exhibit-Bohler-dated 6/20/18. He opined that the overall center is not changing with the exception of the bump out. There is currently one loading zone striped for tenants. The delivery trucks have to pull forwards and back out. All access points will stay the same. There will be a reduction of 23 parking spaces. The parking reduction will occur in the back.

Mr. DiBona presented EXHIBIT A-2-Site Layout Plan-dated 12/5/18. This was a colored version of the site plan already submitted. It was page C4 of the packet submitted to Board members more than 10 days prior to the meeting. The loading space is behind Party City. Trucks will circulate to the back of the southeast corner and back into space. A second loading location area will be added where trucks can pull to the sidewalk.

Mr. Warner informed the Board that the Ordinance, in theory, would required 7 loading areas.

Mr. DiBona opined that the drive thru would have plenty of que. There would not be a designated pull up que. There would be a by-pass with parking. He suggested there could be a sign posted on one of the spaces or a condition to include striping to designate a pick-up area. He explained that after cars pick-up food, the driver will make a hard right and then have a choice of how to exit.

Mr. DiBona opined that according to the applicant’s lighting assessment, the current lighting located on the back of the building is sufficient. It is providing .5 foot candle. Some of the bulbs on the building need to be replaced. There is as much light in the

back as there is in the front of the building. He suggested they could reach out to the owner for replacement of non-working bulbs.

Mr. Warner stated that the Board has jurisdiction to impose conditions on the owner.

Mr. DiBona explained that the closest residence to the property is approximately 215 ft. There is an existing buffer with a stream and deciduous trees. On question of the Board, Mr. DiBona said the applicant will implement 30-35 feet of 6 ft. high solid, board on board fencing across from the drive thru. As far as the noise level from the intercom system, according to their study, at its highest volume, it meets the state noise regulations.

Mr. Corbo presented EXHIBIT A-3-Sinage. The Wall logo sign will say Panera Bread Drive Thru.

Post approval, there will be verification as to the lighting with the condition to add more if needed. Also, there would be a condition to provide proof that they could use the easement.

The Board took a 5 minute recess.

Mr. John Harter, Traffic Engineer, 35 Technology Drive, Warren, NJ 07059, under oath, provided the Board with an analysis of the existing and proposed traffic conditions at the site. Mr. Harter opined that there was an existing 147 spaces. His study looked at 8 peak hours. The study took place in June of 2018. The following were the times of the study: Wednesday 11 am – 2 pm (lunch); 5 pm – 7 pm (evening); Saturday 11 am – 2 pm (lunch). In his study, he found the busy time to be the weekday lunch period. There were roughly 75 spaces in the rear of the building. During the study period, there was a maximum of 27 cars parked. There will be a reduction of parking with the inclusion of the drive thru. The benefit is by removing the demand from the front. They can designate a walking area with striping for RPU. According to Mr. Harter's communication with the DOT, there is no new 9/11/2018 access. He presented EXHIBIT A-4-Letter from the DOT.

On question by the Board, Mr. Corbo opined that on average all locations see a 20 % reduction in parking with the inclusion of the drive thru.

Chairman Cronheim opined that drive thru lines act as moving parking spaces. One of the advantages of the drive thru is that it complies with Americans with Disabilities Act. It is also beneficial to people with children.

Mr. Corbo presented EXHIBIT A-5- Truck Circulation-6/25/18. There would be an ongoing condition to maintain access and maintain refuge.

The meeting was open to the public. With there being no comment from the public, this portion was closed.

Mr. Nicholas Graviao, PP, 101 Crawfords Corner Road, Holmdel, NJ 07733, under oath, opined that the application was an appropriate use for the zone. The request was for the following Variances: D(3) Conditional Use; C(1) Reduction in parking; C(1) Loading area less than the Borough requires. The application fell within the parameters of the 2011 Re-exam of the Master Plan p. 26. The applicant was seeking a permitted use in the zone. The deviation is the 500 foot distance from the residential property. No one is allowed to alter the buffer because of the stream. The drive thru can help people with disabilities, people with children and those who are caught in bad weather. It is a straightforward use of existing space. The visual of the front will not be changed. More and more of the Panera Café locations are pursuing drive thru additions. The applicant will add sound and fencing. This application advances the zoning in the Borough. There are no detriments to the zoning. It meets the demand of the Master Plan. For the C(1) this is an existing site. A developer is adding an additional dumpster. The proposed parking is adequate.

With there being no comments from the public, the public portion was closed.

On motion by Mr. Brown, seconded by Mr. Dallas, the Board approved the application with conditions based on the following roll call vote:

Roll Call:

Ayes: Ms. Fechtner, Mr. Hunsinger, Mr. Dallas, Mr. Brown, Mr. Kita, Mr. Lauerma and Chairman Cronheim

Nays:

Not Eligible:

Abstain:

Absent: Mr. Panzarella

ADJOURN

The Board unanimously voted to adjourn the meeting at 10:23 p.m.

Respectfully Submitted,

Theresa Snyder

Theresa Snyder
Board Clerk