

**BOROUGH OF WATCHUNG
BOARD OF ADJUSTMENT
Regular Meeting [Virtual]
July 8, 2021**

**OFFICIAL MINUTES
Adopted 8/12/21**

Chairman Cronheim called the Regular Meeting to order at 7:30 p.m.

ROLL CALL

Mr. DJ Hunsinger
Mr. Richard Brown
Mr. Hank Kita

Ms. Sondra Fetchner
Mr. PJ Panzarella (Absent)
Mr. Mitchell Taraschi
Mr. Wanye Hanlon

Dr. Richard Steinfeld (Absent)
Mr. Daniel Cronheim, Chairman
Steven K. Warner, Esq., Board Attorney
(Arrived 7:50 pm)
Amanda C. Wolfe, Esq., Board Attorney
David A. Stires, PE, PP, Board Engineer
Theresa Snyder, Board Clerk

Chairman Cronheim read the statement indicating the meeting was being conducted according to the Open Public Meetings Act, the Municipal Land Use Law requirements, and the recording of the Minutes as required by law. In order to comply with the Executive Orders signed by the governor, and in an effort to follow best practices recommended by the CDC and DCA for emergency meeting protocol, the meeting was held virtually for all board members, board professionals, the applicant and interested parties and members of the public.

Chairman Cronheim led the flag salute to the American flag, and the Board members identified themselves for the record.

MINUTES

On motion by Chairman Cronheim, seconded by Mr. Hunsinger, the minutes from May 13, 2021, Regular Meeting, were accepted and carried on voice vote.

APPLICATION

CASE NO.: BA 21-04; Chipotle
ADDRESS: 1620 Rt. 22
BLOCK: 6101 LOT4
Represented By: Maria P. Vallejo, Esq.
HD ZONE
Expiration Date: 10/21/21

Ms. Vallejo entered her appearance on behalf of the applicant. The applicant was requesting preliminary and final site plan approval to allow for the construction of a Chipotle which is essentially a 230 sq. ft. pick-up window. The proposed pick-up window was not the typical drive through window. The proposed Chipotle was an efficient way to provide food service without contact. Ms. Vallejo said there were several variances needed for the application. The applicant was seeking a d(3) conditional use variance. Whereas the Ordinance does allow for pick-up windows in the HD Zone, the window must be located 500 ft. from the nearest residence. The Chipotle window was proposed at 300 ft. from the nearest residence in Plainfield. Ms. Vallejo also apprised the Board of the pre-existing, non-conforming variances on the site for the front-yard setback and parking along with the existing impervious coverage which would be reduced with the construction of the project; therefore, decreasing the existing, non-conformity of same. Present for the applicant was an engineer, architect, planner, and a representative from Chipotle.

Ms. Wolfe swore in all witnesses and Mr. Stires.

Mr. Edward F. Wilkes, PE, having a business address of 110 Edison Place, Suite 303, Newark, NJ, gave his credentials as an engineer and was accepted by the Board as a witness. Mr. Wilkes oriented the Board as to the existing building and where the proposed project would be constructed. The existing building was located on Route 22 in the HD Zone and surrounded by several commercial developments. Mr. Wilkes presented A-1-dated 4/21/21-“Preliminary/Final Site Plan”, Sheet C1.0, Ariel View, as previously submitted to the Board. The subject property was located on the eastbound side of Route 22 and shared its location with Raymour & Flanigan and Verizon. The Chipotle restaurant received prior approvals and was constructed approximately four years ago. At the time of the prior approval, variance was granted for parking, front yard setback, and impervious coverage.

Mr. Wilkes then presented Sheet C2.0-“Existing Conditions”. He showed access to the site utilizing Route 22 from a shared parking field. On Sheet C3.0-“Site Plan”, Mr. Wilkes testified the project consisted of remodeling the existing restaurant to include a Chipotle. In an effort to adapt to changes, the company was transitioning to a digital ordering system across the country. The company was targeting successful locations to implement the digital ordering system. New Chipotle locations include the pick-up window. Mr. Wilkes testified pick-up orders would be placed on an app. No money would be exchanged at the pick-up window, and the order should be ready when the customer arrives. In the event the order is not ready when the customer arrives, the customer would be directed to a pick-up space, and the order would be delivered to the vehicle upon completion. The expansion was 270 sq. ft. or the addition of a 10 ft. by 23ft. area. The proposed building height of the addition was 14.8 ft. Mr. Wilkes testified the existing two-way access lanes would be converted into one lane to allow for the drive-up window. Mr. Wilkes testified the applicant would include landscaping to direct cars to the Chipotle and provide additional screening on the property.

Mr. Wilkes testified the parking would be re-configured to include 4 ADA complaint spaces. He also testified the proposed project complied with the side yard setbacks and height requirements. Original approval allowed for a front yard setback of 73.6 ft. whereas 75 ft. is required. The principle building expansion would be located on the western side of the building.

The imperious coverage would be reduced approximately by 1,000 sq. ft. The application met all the conditions of the conditional use with the exception of the 300 ft. distance between the proposed pick-up window and the residential homes on the Plainfield border. Mr. Wilkes testified the property line was screened by a highly vegetative area.

Mr. Wilkes testified the parking amounts would not need to change because the counts are based on seating counts and there was no proposed increase in seating. According to requirements outlined in ITE, Mr. Wilkes calculated the trip generation to and from the site would increase to 14-20 trips during peak hours. He opined the cars already on Route 22 would be brought into the site for pick-up orders. The Chipotle would allow for seven cars to be stacked in the que. According to operational data, the average wait time in the que was less than two minutes.

Mr. Wilkes testified the existing building was currently serviced with utilities. He informed the Board that a gas line under the sidewalk would need to be relocated outside of the proposed improvement area. The stormwater system would produce less stormwater run-off volume.

Mr. Wilkes testified the applicant proposed the planting of 20 shrubs in front of the building. The applicant planned to re-evaluate the proposed choice of shrubs, as they could mature to a height which would impede the site lines to the property.

Addressing the comments from Mr. Stires' memo, Mr. Wilkes provided testimony that the proposed plans would not include any additional lighting improvements because all of the proposed improvements would be occurring within the existing space.

Mr. Wilkes displayed the following Exhibits:

- 1) A-2-The plans were depicted from the front of Chipotle on Route 22. The plans showed the ADA complaint spaces.
- 2) A-2(b)- The Sheet showed the northeast corner of the property looking southwest to the opposite side of the existing space.
- 3) A-2(c)- The Sheet showed the relation of the window looking toward the southern side and the residences.
- 4) A-2(d)- The Sheet showed a closer picture of the natural vegetation on the perimeter of the property.
- 5) A-2(e)- The Sheet showed the residences through the tree line.
- 6) A-4- Comments from the Board Engineer which were received and reviewed.
- 7) A-5- A response to Mr. Stires' comments.

On question of Mr. Stires concerning the loading and unloading on site and its effect on the traffic circulation, Mr. Wilkes testified the delivery times would not be changed. Most of the deliveries to the site were outside of operational hours.

On question of Mr. Hunsinger concerning the traffic flow of passing cars in the Chipotle, Mr. Wilkes testified the plan provided for two-way traffic and would be wide enough for a bypass lane. He opined the goal was to minimize congestion.

On question of Mr. Brown concerning funneling traffic, Mr. Wilkes testified the bypass lane was a very common set-up for the pick-up windows. Further to his answer, Mr. Wilkes testified the lane would be provided with sufficient signage to direct people away from entering the lane for the wrong reason. He opined historically, there were no issues with similar set-ups.

On question of Mr. Kita concerning the number of residences affected in Plainfield and screening, Mr. Wilkes testified there was dozens of homes within 300 ft. of the pick-up window. Mr. Wilkes testified the applicant proposed a mixture of evergreens and deciduous plantings to screen the border of the property and the neighboring houses.

On question of Mr. Brown concerning the hours of operation, Mr. Wilkes testified the restaurant was operational 10:45 am to 10 pm, seven days a week.

Mr. Warner asked Mr. Wilkes to confirm that the applicant stipulated to the conditions of items #4-#8 and #10 of Mr. Stires' memo to which Mr. Wilkes confirmed that the applicant would comply with the conditions. Mr. Wilkes using Exhibit A-5, explained the responses to Mr. Stires' memo.

On question of Mr. Warner as to whether the applicant would comply with the conditions of the prior resolution of 2015, Mr. Wilkes confirmed there would be no parking against the Chipotle restaurant, no alcohol would be served, and the stream encroachment permits were obtained. The applicant would stipulate to all prior conditions in the 2015 resolution. Further to Mr. Warner's questions, Mr. Wilkes stipulated that the applicant would allow police access to the web-based security camera above the pick-up window, and any illuminated signage would be turned off one hour after closing.

The meeting was opened to the public. Peter, the adjoining property owner was in attendance, and wanted to speak at the appropriate time for comments. The meeting was closed to the public.

Ms. Vallejo confirmed that the applicant agreed with all of the conditions.

Mr. Damian Melo, having a business address of 110 Edison Place, Newark, NJ, gave his credentials as an architect and was accepted by the Board as a witness. Mr. Melo walked the board through Exhibit A-3- "building Improvements". He oriented the board that Route 22 was on the left-hand side of the exhibit. Elevation #1 showed the current main entrance of the building. Mr. Melo testified the proposed 230 sq. ft. improvement was relatively small with a proposed building height of 14.8 ft. He testified that two colors, light gray and charcoal gray would be used on the addition. The applicant would use a vertical aluminum paneling material, and the pick-up window would include a security camera.

On question of Ms. Fetchner concerning the ability of different size cars to access the pick-up window, Mr. Melo responded that it would not be the same for all cars; however, the proposed height on the window was a typical mounting height.

The meeting was opened to the public. There were no comments from the public.

Tiffany Morrissey, having a business address of 7 Equestrian Drive, Galloway, NJ, gave her credentials as a planner and was accepted by the board as a witness. The applicant was seeking a d(3) conditional use variance due to the 300 ft. distance from the pick-up window to the neighbor homes. Ms. Morrissey testified the pick-up window was not a typical drive-thru lane. She described the process of ordering online and picking up the order at the window. The current pick-up procedure impacted the number of available parking spaces being used. The proposed addition would eliminate the need for spaces on the parking field to be used for pick-up only. She opined the improvements would reduce the impact of the non-conforming parking on the site. The project would improve the circulation flow and provide sufficient space for operations. Ms. Morrissey testified the project merged technology with eating habits. She opined there were no negative impacts on the surrounding area generated from this project. The applicant would be reducing impervious coverage by approximately 1,000 sq. ft. An ADA compliant space would be located in the front of the building. She opined there was no substantial impact to the zone plan. The proposed pick-up window was different from a typical drive-thru as it would not be equipped with a speaker creating an increase in noise level. The applicant would also be reducing the impact of the non-conforming parking. Ms. Morrissey testified the site could accommodate the proposed improvements.

The meeting was opened to the public. Mr. Peter Stern, the adjacent property owner in Bk: 6101 Lt: 3, 1600 Rt. 22, expressed his concern that the board could easily move away from the zone requirements creating a slippery slope for future tenants. He urged the board to think of the consequences of granting the variance and beware of the unforeseen consequences of same. He opined the board may be pressured to keep modifying the zone, and anything approved would be followed by more variance requests.

Ms. Vallejo gave her summation, and Mr. Warner listed the conditions of approval.

On motion by Mr. Hunsinger, seconded by Ms. Fetchner, the board approved the application with conditions based on the following roll call vote:

Roll Call:

Ayes: Mr. Hunsinger, Mr. Brown, Mr. Kita, Ms. Fetchner,
Mr. Taraschi, Mr. Hanlon, and Chairman Cronheim

Nays:

Not Eligible:

Abstain:

Absent: Mr. Panzarella Dr. Steinfeld

DISCUSSION

Chairman Cronheim announced the birth of his grandson Frederick (Fritz) Cronheim born on July 4, 2021.

ADJOURN

The Board unanimously voted to adjourn the meeting at 9:00 pm.

Respectfully Submitted,



Theresa Snyder
Board Clerk