

**MINUTES OF THE
REGULAR MEETING
MENDHAM BOROUGH PLANNING BOARD
May 14, 2018**

Mountainview School Cafeteria, 100 Dean Road, Mendham, NJ

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Mr. Kraft at 7:30PM at the Mountainview School, 100 Dean Road, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Observer Tribune* and in the *Daily Record* on April 20, 2018 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

ATTENDANCE

Mr. Bradley – Present
Mr. Cascais – Present
Mr. Kay – Present
Councilman Sharkey – Present
Chairman Kraft – Present

Administrator Bushman - Present
Mayor Henry – Present
Ms. Lichtenberger – Present
Mr. Sprandel – Present

Alternates:

Ms. Masse, Alternate I – Present

Also Present:

Ms. Jessica Caldwell, Borough Planner
Mr. Paul Ferriero, Borough Engineer
Mr. Peter Henry, Board Attorney

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MINUTES

Mr. Kraft asked if any members of the Board had any comments on the draft minutes of the regular meeting of April 9, 2018, and Mr. Henry suggested that "by Mr. Henry" on page three in the public comment section be moved to after the word advised. Mayor Henry made a motion to approve the minutes as amended by Mr. Henry and Mr. Sharkey seconded. On a voice vote the minutes were approved.

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PUBLIC COMMENT

Mr. Kraft opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

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APPLICATIONS

PB #5-18 Mendham High School

Track Reconstruction and Field Lighting
64 East Main St, Block 1401, Lots 8&9
Courtesy Review

Present: Mr. Robert Walsh, Robert Walsh Associates, LLC

Mr. Walsh explained that the Board of Education is planning two phases of track and field lighting upgrades at Mendham High School. Phase one will be the track replacement; same size and location as the existing track with four LED field lights. Phase two will be an additional multi-purpose synthetic turf field expected to be constructed during the summer of 2019. Mr. Walsh requested that the courtesy review for the additional alternate synthetic turf multi-purpose field be carried until next month. Mr. Henry explained that in regards to school capital improvement projects being reviewed by the Planning Board, there is a Municipal Land Use Law (MLUL) requirement that the Planning Board reviews and makes recommendations, if any, within a 45 days period. He further expressed that if the applicant would waive the 45-day period, the Board could then carry the second part of the application until next month. The applicant agreed.

Mr. Walsh mentioned that the perimeter fencing around the track will be replaced. Four additional LED light towers, 80 feet high, will be added. He submitted exhibit A-1 for review. Mayor Henry asked about the hours of operation of the lights and Mr. Walsh answered that it was based on game schedules. Mayor Henry also inquired if the field would be used exclusively for High School sports and Mr. Walsh concurred that it would. Mr. Cascais asked if the lights would be controlled remotely off-site and Mr. Walsh was uncertain. Mayor Henry added that these types of lights can now be controlled off-site with smartphones. Mr. Ferriero mentioned that today's technology makes LED lighting much more focused and precise, with very little spillover. Chairman Kraft suggested that someone in the Borough, for example the Police Department, have access to the remote controls as a back-up.

Mr. Cascais made a motion to recommend off-sight lighting control for the LED light towers, and Mr. Bradley seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Cascais, Henry, Kay, Lichtenberger, Sharkey, Sprandel, Kraft,
Opposed: None
Abstentions: None

The motion carried.

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PB #1-18 Aryan at Mendham LLC/ Dunkin Donuts

25 East Main Street
Block 1501 Lot 11
New Business Structure plus Two Apartments

Present: Mr. Dwar Patel, Applicant
Mr. Anthony Sposaro, Attorney
Mr. Nicholas Cusano, Architect
Mr. David Fantina, Engineer
Mr. Joe Staigar, Traffic Engineer
Mr. John Peel, Environmental Consultant of PK Environmental
Ms. Betsy McKenzie, Planner

Chairman Kraft read a statement regarding the Planning Board process and meeting decorum. He also mentioned that Mr. Richard "Rusty" Schommer, an engineer for H2M Associates, Inc. and Schommer Engineering, will be taking Mr. Ferriero's place on the Board for this application only.

Mr. Jay Delaney, an attorney retained by Mr. and Mrs. Bryan Hill of 35 East Main Street, introduced himself to the Board.

Mr. Sposaro addressed the Board about the remaining open checklist items needed for completeness. Mr. Schommer mentioned that he was aware of three checklist items that would need to be waived by the Board to deem the application complete. He stated that the waived checklist items could be conditions of approval, and additionally, information may be requested during the hearing regarding any of these waived items. Mr. Henry also added other checklist items to be waived for completeness, and it was determined the Board would vote to waive checklist items # 6,10,11,33,46,52 and 57 for completeness purposes only.

Mr. Cascais made a motion to waive the checklist items for completeness, and Mr. Sprandel seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In favor: Bradley, Bushman, Cascais, Henry, Kay, Lichtenberger, Sharkey, Sprandel, Kraft,
Opposed: None
Abstentions: None

The motion carried.

Mr. Sposaro confirmed that the applicant noticed properly with the Board Secretary and explained that according to Mendham Borough zoning ordinances, restaurants and fast foods were permitted at this location. He briefly described that the drive-thru from the prior submission had been eliminated, and that the applicant requires a variance for parking. He continued that four parking spots could be removed with the withdrawal of the two apartments proposed above the Dunkin Donuts (DD) establishment, however he was advised at the TRC meeting that the Borough would be interested in the apartments, as one of the apartments would be an affordable housing unit. He explained that if a building is knocked down, there are a minimum of 40 parking spaces required by Borough ordinance. The proposed plans provide 44 spaces, which includes 4 parking spaces for the apartment residents, however 52 are required. He mentioned that based off the applicant's experience with owning and operating DD franchises, that even 40 spaces seemed excessive, and that the applicant was in favor of reducing parking even further and decreasing impervious coverage.

Mr. Sposaro introduced the professionals who would be providing testimony for the applicant. He also requested that questions from the public concerning traffic be directed to Mr. Staigar. He mentioned that a more detailed landscape plan, a revised lighting plan and an updated storm-water management plan would be submitted to the Board for the next meeting. Mr. Delaney requested that courtesy copies

of the supplemental materials be submitted to his office, and Mr. Sposaro agreed. Mr. Delaney also questioned if Mr. Cusano was a member of the Historic Preservation Commission (HPC). The Board advised Mr. Delaney that there was no conflict of interest as he had stepped down from the Commission last year.

Mr. Cusano was sworn and qualified. He gave a brief history of the site and described how the original owner, Mr. Sacconi, provided room and board to Italian immigrants who worked and contributed to the Mendham area. In 1985, there were massive renovations done to the building by Mariques, a French restaurant, and everything was torn down but the front façade. In 2005, the restaurant closed and sold the property to PNC bank. PNC bank abandoned their application with the Borough, and the property remained vacant until 2011 when the property was sold in 2011. He mentioned that he believed that the applicant testified that the building structure was deemed unsalvageable seven years ago, which he believed was concurred by the Board of Adjustment engineer. He stated that the 2011 application proposed two buildings, including a variance, and was approved but never built. He added that the building has been vacant for a total of 13 years.

Mr. Cusano submitted exhibit A-1, a colored rendering of the proposed DD exterior, and explained his design ideas. To put the size of the building in perspective, he mentioned that the Audi dealership was twice as big as the proposed DD. He described that the building had 4 porches to promote a pedestrian aspect, with two benches situated under each porch. He further explained that it was a shingle style building with gambrel style roof, like the Black Horse Inn, with a real stone foundation, blue stone patio under the porches, an asphalt timberline roof, painted hardy plank siding, simulated divided light windows, and copper gutters and flashing. He mentioned that the building would be painted a pale yellow, not a typical DD color. He stated that building is currently 9 feet off the front lot line, and the proposed structure would be moved to 20 feet off the front lot line. He further detailed the square footage of the four porches combined, 1,200 square feet, and the interior square footage of the first floor, 2,500 square feet, and the square footage of the apartments, 1,400 square feet.

Mr. Sposaro questioned Mr. Cusano about the height of the building, and he answered 33 feet. Mr. Sposaro asked about the HPC recommendations, and Mr. Cusano responded that there weren't too many changes as the materials being used for the proposed building are generally recommended by the HPC, but there were concerns about signage. He continued to discuss the three proposed signs; a 5'5" X 3'7" ground sign in front of the building, a front doorway sign (2'6" by 6' 3") lit by two gooseneck lamps, and one on the side of the building facing Kings, which will be lit by a soffit light. Mr. Cusano added that the applicant would be more than happy to add a plaque explaining the history of the building and also create a tribute to the history of Mendham inside the building. Mr. Sposaro asked Mr. Cusano if the HPC reached the conclusion that the building was not salvageable, and Mr. Cusano agreed. Upon questioning about the rear entry doors, Mr. Cusano submitted drawing A-1, explaining that the rear doors would be for the apartments with another service entrance door for deliveries. He submitted a model of the building, exhibit A-2, and explained that the public would only be able to access the building through the front or the side door off the parking lot. He also mentioned that the applicant intended to place two benches under each porch. Upon more questioning, Mr. Cusano mentioned that benches on porches are not unfamiliar in the Historic District, as Simple Coffee and Mendham Creamery also have benches.

Mr. Schommer asked if the building would be fully sprinkled and Mr. Cusano agreed that it would. He also mentioned that all patios would be bluestone where there was roof cover, and the other walkways would be cement. Mr. Schommer asked about the areaway, and Mr. Cusano stated that although there's no access to the basement from the areaway on the side of the building, there would be a metal grate covering the areaway for air circulation. Mr. Cusano also stated that the basement would be used solely for Dunkin Donut storage and mechanical use, and that access to the basement would be through the interior of the building. Board members asked questions about the distance of the new building from the lot line in comparison to neighboring buildings, and Mr. Cusano submitted exhibit A-3, an overhead satellite picture from google maps. Mr. Schommer pointed out that the proposed DD building would be farther back, 21 feet, than the building to the right if looking at the buildings from the street.

Mr. Kraft opened the meeting to the public for questions to Mr. Cusano. Mr. Mead, of East Main Street, questioned Mr. Cusano's qualifications as an architect for this particular site when he's never designed a DD before and asked him if he was approached to design the proposed structure while still on the HPC. Mr. Cusano confirmed that he was approached while still a part of HPC, and that he has worked on many historic structures in Mendham.

Mr. Ritger, of Gunther Street, asked if they were intending to put tables under the porches, and Mr. Cusano responded no. Mr. Ritger asked Mr. Cusano if he was aware that the last two applicants for this site came before the Board of Adjustment and in both cases, the engineer and architect for the applicant felt the building needed to be torn down for safety reasons.

Mr. Weissman, of Tempe Wick, asked if there was evidence that the HPC felt the building was unsalvageable. Mr. Cusano explained that it wasn't expressed in the HPC approval letter, but speculated that it might be in the meeting minutes. Mr. Sposaro referenced the letter from the HPC dated March 22, 2018 and stated that the letter approved the architecture, lighting, signage and walkways, implying that the HPC was aware that the building was going to be torn down. Mr. Delaney requested that the HPC correspondence dated March 22, 2018 be submitted as exhibit A-4. Mr. Weissman asked if the existing foundation in entirety would be excavated, to which Mr. Cusano answered affirmatively. Mr. Weissman also asked Mr. Cusano if he knew about an existing well on the site that he found on a map from 1910, to which Mr. Cusano replied no. Mr. Cusano also testified that in his professional opinion as a certified architect, that the building is unsalvageable, because the framing, insulation and foundation do not meet current standards for current building codes for retail use.

Ms. Payne, of Drake Road, asked about the size of the stand-alone sign and its orientation. Mr. Cusano responded that it would be perpendicular to the street, like all street signs on Main Street, and would measure 5'5" X 3'7".

Ms. Seabrook, of Main Street, asked about the lighting of the signs, and Mr. Cusano mentioned that the signs are carved and painted in the DD colors. He added that there will be two goose neck lights for the sign on the front porch, and a soffit light illuminating the sign on the east side porch. He also mentioned there will be two ground lights shining up on the stand-alone sign, and none of the signs would be self-illuminating.

Ms. Mac Askill, of Cold Hill Road, wondered if the application could be resubmitted with a drive-thru at a later time. Mr. Cusano explained the complexity of the engineering of the site, how those modifications would be cost prohibitive, and would require a new application to the Borough for a variance. Mr. Sposaro added that his client would commit to a permanent deed restriction and/or a condition of the resolution stating that the applicant would never add a drive-thru.

Ms. Mahoney, of Hilltop Road, asked about plans for interior connectivity, so students could go there to study. Mr. Cusano mentioned that there's 25 seats, and the idea was to create a center in town where people could gather.

Ms. Gilleece, of Franklin Road, asked about how many times Mr. Cusano has visited the site and been in the building. Mr. Cusano said that he visited the site 20 times and has been inside the building twice.

Ms. Moreska, of Main Street, asked if the lighting and landscaping were part of the site plan, to which Mr. Cusano answered yes.

Mr. Weissman, of Tempe Wick, asked if Mr. Cusano had read the National Historic Register and aware that the building at this site was one of the three original salt box structures built between 1820 and 1830. Mr. Cusano said he'd reviewed the registry as a member of HPC, but no specific recollection. Mr. Weissman also asked him if he was aware that DD had a green achievement award, and Mr. Cusano replied no.

Mr. Delaney asked about trash receptacles and Mr. Cusano mentioned that there will be garbage cans under each porch, but the specifics would be presented later by the site engineer.

Mr. Patel was sworn. He read a brief opening statement explaining that his family has owned and operated DD stores since 1989. Mr. Patel stated that his family is not new to the area, that he grew up in Randolph and that his parents live in Mendham Township. He further communicated that they care deeply about their communities, and support and give back to them as much as possible. He explained that DD is a franchise, just like Audi dealership, and added that his family owns 55 DD stores in New Jersey and 30 in Florida. Mr. Sposaro asked him about store hours and Mr. Patel stated that he expects the hours to be 5am to 10pm, 7 days a week, noting that most (approximately 60%) of the sales are done between 5am and 10am. Mr. Patel said that baking is no longer done on the premises and that deliveries of baked good will happen daily between 2am and 4am by a small box truck. He added that deliveries should only take five minutes, as the delivery is racks of food trays rolled off the truck and into the store through the rear delivery door entrance. As for supply deliveries, Mr. Patel mentioned that it would occur once a week, between 10am and 4pm by a box truck through the rear of the building.

Mr. Sposaro asked him about the anticipated number of employees. Mr. Patel answered that they will have about 10 employees, with a maximum of six at one time during the 7am-11am timeframe, adding that most employees carpool. Based off his experience with similar size DD stores, he stated that 15 to 18 parking spaces would be more than ample, plus the additional parking spaces for the residents of the apartments. He added that DD has a corporate policy stating that customers should be in and out with their orders in two minutes. He added that they serve employees with a team service approach meaning one person makes the sandwiches, one person makes the coffee and another person is the cashier. Responding to an earlier question about connectivity, he mentioned that there will be free wi-fi and that he expects USB ports will be added into the seats.

Ms. Caldwell asked how many parking spaces will be needed for employees, and Mr. Patel felt three would be sufficient. Mr. Schommer asked how this particular DD compares to other DD by size, and Mr. Patel felt it was close to the size of Madison and Fanwood stores, also no drive-thrus, which have 16 parking spaces. Mr. Sposaro added that he felt the proposed 44 parking spaces was excessive and suggested that the applicant could possibly bank some spaces, meaning the applicant would receive approval for a certain number of spaces, but a lesser number would be constructed, and if the Borough requested, more could be constructed at a later time.

Mr. Maltz asked about the noise of the nightly delivery truck to the residents' upstairs, and Mr. Patel said that there is very little noise as it is a quick delivery. He also added that he has never heard of any problems in other store locations with apartments. Mayor Henry asked Mr. Patel how he recruited employees, and Mr. Patel responded that he hires within the community, many times High School students, and also from neighboring stores. Mr. Bradley wondered if he'd ever built another DD from the ground up, and Mr. Patel thought they've built approximately 20 stores. Mr. Patel also mentioned that his investment in this property has been similar to other DD sites. He added that the night shift does most of the preparation for next morning, which is why they remain open until 10pm.

Mr. Kraft opened up the meeting to the public for questions to Mr. Patel. Ms. Payne, of Drake Road, asked if frequency of deliveries increase at any time, and Mr. Patel said it does happen, very infrequently, like during Hurricane Sandy. She also asked about the anticipated volume of business during the 5am to 10am period, and Mr. Patel expected 50 to 60 customers per hour.

Ms. Mac Askill, of Cold Hill Road, asked Mr. Patel why he chose to build a DD in Mendham Borough and if his profit was generated from the DD business or rental units. Mr. Patel responded that he grew up in the Mendham area, and that his family always felt building a DD in Mendham, if done correctly, would be a good idea. He stated that the revenue would be from DD. Mr. Sposaro added that the question should be why not Mendham Borough as it's a permitted use.

Ms. Tufierello, of Mountain Avenue, asked Mr. Patel if he'd consider moving the location of the proposed DD from Main Street. Mr. Patel explained that the reason he cannot move the store into the Kings shopping center is because Kings has an exclusivity clause in their lease preventing competitors selling coffee.

Ms. Curtil, of Maple Avenue, wondered if they marketed to children, and Mr. Patel responded that they did not.

Mr. Polakoff, of Orchard Road, asked questions regarding the noise level of deliveries, if other DD locations existed in high density residential neighborhoods, and prior health violations incurred. Mr. Patel answered that there is one person doing the delivery and that they don't turn off the engine as it's extremely quick. He mentioned that the DD store in Denville is in a high density residential area and that they were very careful with their site and lighting plans to accommodate the residents. Mr. Patel added that the Denville location has been there for 20 years. Mr. Patel could not think of any time they've been cited for severe health violations.

Mr. Weissman, of Tempe Wick, questioned what was stopping the applicant from tearing down the building now, and Mr. Patel responded that he needed approval from the Board first.

Ms. Seabrook, of East Main Street, asked about the cooking operations. Mr. Patel mentioned that the bagels and muffins are delivered to the store frozen, thawed and prepped, and placed in an oven. Coffee is also brewed at the site. Ms. Seabrook questioned if the lights were on from 5am to 10pm, and Mr. Patel stated that they usually turn the lights on 15 to 20 minutes before employees arrive in the morning and then turn off about 15 to 20 minutes after close of business. He also mentioned there could be a small light kept on by the delivery door.

Mr. Reilly, of New Street, asked Mr. Patel about his intent of delivering coffee and food. Mr. Patel responded that DD is currently testing a program called curbside pick-up, where orders are placed and delivered to your car door, or food is delivered through an app. He stated that he has no plans at this time to pursue this program.

Ms. Mac Askill, of Cold Hill Road, said that with so many DD in the area, why add another. Mr. Patel answered that coffee places, like DD, are for convenience and not a destination.

Mayor Henry stated that every retail food establishment in the Borough is inspected by the Bernards Township Health Department. Mr. Patel interjected that both of his stores in Bernards Township have received the gold star from the Health Department.

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ADJOURNMENT

There being no additional business to come before the Board, Chairman Kraft adjourned the meeting at 10:15pm. The next regular scheduled meeting of the Planning Board will be held on Monday, June 11, 2018 at 7:30PM, at the Mountainview School Cafeteria, 100 Dean Road, Mendham.

Respectfully submitted,

Carolyn Mazucco

Carolyn Mazucco
Board Secretary