

**MINUTES OF THE
REGULAR MEETING
MENDHAM BOROUGH PLANNING BOARD
August 13, 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 Chairman 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 the Daily Record and was posted on the municipal 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 the required fee.

ATTENDANCE

Mr. Bradley – Present
Mr. Cascais – Present
Mr. Kay – Present
Councilman Sharkey – Absent
Chairman Kraft – Present
Administrator Bushman – Present
Mayor Henry – Present
Ms. Lichtenberger – Present
Mr. Sprandel – Present

Alternates: Ms. Masse, Alternate I – Absent

Also Present:

Ms. Jessica Caldwell, Borough Planner
Mr. Richard “Rusty” Schommer, Borough Conflict Engineer
Mr. Peter Henry, Planning Board Attorney
Mr. Harold Maltz, Traffic Engineer
Ms. Kimberly Coward, Acting Board Secretary

MINUTES

July 9, 2018 – Regular Meeting

On a motion by Mr. Bradley, seconded by Mr. Kay and a majority voice vote, the minutes were approved as written.

PUBLIC COMMENT

No members of the public stepped forward to comment at this time.

APPLICATIONS

PB# 2-18 Aryan at Mendham, LLC

25 East Main Street

Block 1501, Lot 11

Preliminary & Final Site Plan, bulk variance (parking) for Mixed Use development (Dunkin Donuts & 2 apartments)

Chairman Kraft explained that this is a formal meeting and explained the Planning Board process and meeting decorum.

Attorney Anthony Sposaro who represents the applicant in this hearing noted that he had been discussing some possible changes to the plan with Mr. Delaney and he requested a fifteen minute break. He noted that the revised site plan would be discussed after the requested break.

Board Attorney Peter Henry agreed that a break would be allowed.

Attorney Jay Delaney who was retained by Mr. and Mrs. Bryan Hill of 35 East Main Street agreed to the recess.

The Board took a fifteen minute recess until 7:55pm.

The Board was back in session.

Mr. Sposaro noted that he would like to recall Mr. Stagier, traffic engineer to review the marked up site plan that further reduced the parking spaces and shows where the banked parking spaces would be. He requested the amount of parking spaces that the board would like to see. He requested informal feedback on the application.

Board Peter Henry noted that he was feedback on the subject of variances is something that he was uncomfortable with. He noted that the applicant has to decide what they want to present to the board. It might be possible to gain some information from the board member by asking questions.

Chairman Kraft noted that just asking the specific Board members if they have questions regarding issues would help answer some of his questions.

Mr. Delaney noted has had a discussion with the applicant's attorney. He noted that his client would like to see more woods and greenery and was in favor of the banking of the parking spaces. He still would like to cross exam on other issues such as turning movements.

Mr. Sposaro questioned Mr. Staiger about the traffic revisions to the plans.

Mr. Staiger noted that the original plan had 44 parking spaces.

Mr. Sposaro questioned the traffic revisions.

Mr. Stagier noted that the original plan had 44 parking spaces. He explained the alternative plan took out 6 parking spaces which left a total of 38 spaces and then 7 spaces banked parking spaces. There would leave a total of 31 parking spaces and minus 6 additional banked parking spaces plus an additional 2 parking spaces in be added in the landscaped island.

A-8 Alternative Site Plan

Mr. Staiger marked the exhibit A-8 which showed 23 parking spaces plus 4 parking spaces dedicated for the apartments spaces for the a total of 27 spaces.

Mr. Sposaro noted that his client found the alternative site plan acceptable and was in favor of this new layout.

Board Attorney Peter Henry noted that the contrary testimony would need to be addressed.

Mr. Sposaro noted that and stated that it would be addressed.

Chairman Kraft opened the meeting to the professionals.

Mr. Maltz reviewed the new alternative parking layout plan. He noted in his review memo he had reviewed the alternative layout. He suggested that two parking spaces facing each other be added by reducing the size of the parking islands. This would still allow for good sized islands and straight alignment for the westerly exit.

Mr. Staiger reviewed the possible options to the board.

Board Engineer Rusty Schommer questioned if there were 13 banked parking spaces that, would eliminate that last isle as well. So that would adjust the curb line after four rows of parking and then the curb line.

Mr. Staiger stated that is correct and the dumpster would be moved to the front area of the parking lot. The dumpster would take one space in the southerly row.

Board Engineer Rusty Schommer questioned the layout.

Mr. Staiger stated that the island would be softened to allow access for the emergency vehicles.

Chairman Kraft clarified that the radius was being reduced.

Mr. Staiger stated yes.

Ms. Lichtenberger questioned what was being eliminated.

Mr. Staiger stated that the new curb line would be between the two islands.

Mr. Kraft clarified that the professionals seemed to be talking about the same proposed additional spaces in the islands.

Board Attorney Peter Henry clarified the record for the location of the site parking layout.

Mr. Maltz questioned the width of the middle island a fire trucks to be able to circulate on the site. He noted that the 9 feet of width for a parking space to get the total of 9 feet to get on additional parking space. He suggested looking at the space to see if one additional space could get one additional space this would create three sets of 7 parking spaces across. He suggested getting 41 parking spaces with 13 banked parking spaces. That would give would give 28 parking spaces to initially construct. He then explained the parking space configuration would be 24 Dunkin Donuts designated parking spaces and 4 reserved for residential designated parking spaces.

Mr. Staiger noted that he confirmed with applicant and that would be accepted to the applicant.

Ms. Caldwell questioned if the reduction in the parking would be addressed.

Mr. Staiger explained that the ITE suggested that there should be a need for 36 parking spaces. He noted that he did not believe that would be necessary. He noted that his client felt that he needs 22 parking spaces for the store. He noted that at others in Dunkin Donuts stores in the states in the field required that 23 to 24 parking spaces will be sufficient. He noted that he was comfortable with the 23 to 24 parking spaces based on the size of the store.

Ms. Caldwell questioned if specific to Dunkin Donuts or coffee shops in general.

Mr. Staiger noted that Dunkin Donuts is a brand that customers seek out.

Ms. Caldwell noted that it seems that customers don't stay as long.

Mr. Staiger noted that other coffee shops have a different style where they have sofas and patrons linger at other coffee houses.

Ms. Caldwell questioned if the building could be reconstructed if there was a change in use and the parking could be used from the banked parking spaces.

Mr. Staiger stated that those banked parking spaces could be constructed if needed in the future.

David Sprandel asked who would decide if more parking was needed. Would it be the applicant or would it be the borough.

Mr. Staiger noted it could be the way the board feels it should be. The borough could mandate the applicant do a study after a certain time period to review the parking requirements.

Chairman Kraft noted that could be a condition of the board approval on how that would be addressed.

Mr. Sposaro noted that the applicant could come back to the board if the applicant didn't feel the additional parking was needed. He doubted that if the board engineer felt at that time additional parking was needed that the applicant would not agree. He did not feel that the board was the one taking the risk, it is the applicant is taking the risk. If the board mandates that the additional parking is required later the applicant would have to change the layout and construct the additional parking spaces.

Attorney Jay Delaney noted that his client would like the municipality to have the right to intervene that the parking was needed.

Mr. Sposaro noted that the board would be in control with the parking spaces with the 41 parking spaces and the 13 banked spaces. The applicant is in agreement of that proposal.

Board Attorney Peter Henry noted that the board has to feel satisfied that they have enough information to grant an approval. He clarified that the board had to determine if they can be satisfied with potential build out the 41 parking spaces or the 20 percent surcharge of parking spaces. He noted that the board has to feel it has heard enough about the accuracy and the need of the parking for the necessary variance.

Chairman Kraft questioned the board members on the banking of parking spaces.

Board Attorney Peter Henry noted that there is fine tuning of the variance and was not sure the board knows what is being proposed.

Mayor Henry noted his concern about the amount of high school students using the parking lot and the increased need for parking spaces. He was in favor of the banked parking spaces which allows just the amount of parking needed and additional greenery left on the site.

Mr. Delaney questioned Mr. Staiger if the banked spaces would increase the greenery and reduces oil in the parking lot.

Mr. Staiger stated yes.

Mr. Delaney questioned if the professional opinion was that this could work with the approval of the spaces to be banked. He asked if there would be a cost saving.

Mr. Staiger noted that the applicant will agree to the banked parking spaces if the board is in favor of that. He noted that the circulation could be achieved with this parking layout and the deliveries will be able to be made. He noted that if there are not enough parking spaces those would be provided. There would be a cost saving to not constructing the additional spaces upfront if they might not be needed.

Chairman Kraft opened to the board to ask questions.

Administrator Bushman noted she was in support of the banked parking. It creates less impervious coverage and provides more of a buffer area.

Mr. Kay questioned the dry wells underground parking lot would be the same with or without the banked parking spaces.

Mr. Staiger stated that the storm water retention would remain the same. It would work even better with fewer parking spaces.

Mr. Kay questioned the dumpster location.

Mr. Staiger noted that dumpster location was being shifted to the north and showed the board the location on the site plan.

Mr. Maltz questioned the busiest time would be morning between 7am-9am. When do you decide if the additional spaces get built. He suggested that a 3 to 6 months fully built time frame and used to the site 7am-9am there be a parking count and send a report back to see occupancy of the parking spaces.

Mr. Staiger noted that a post construction survey is done often.

Board Attorney Peter Henry questioned if it is acceptable to the applicant.

Mr. Sposaro noted that the applicant agreed to that condition of the post construction survey.

Chairman Kraft opened the floor to the public for questions.

Leslie Payne 10 Drake Road questioned the peak time that the site would be seeing increased need for parking.

Mr. Staiger noted that the peak of 22 parking spaces is from other north jersey stores.

Ms. Payne questioned the ingress and egress at the site. She noted her concern about no shoulder along the roadway.

Mr. Staiger noted that the store in Caldwell on Bloomfield Avenue and the store in Madison on Route 24. He noted that this site has a long driveway and the cueing will be on site not on Main Street. There is an elongated driveway on the site to be the insurance

Ron Weissmann of 15 Tempe Wick Road questioned the parking spaces for the six employees and 21 parking spaces for retail customers. He asked about the snow piling /removal and the parking lot design.

Mr. Staiger noted that there would be three parking spaces for employees and 21 parking spaces for retail customers. There would be more green space with more space for snow storage with the proposed banked parking spaces.

Lynn Eberenz of 13 Wexford Drive questioned the schools and if that was looked at.

Mr. Staiger noted he looked at two schools within close proximity to the site the elementary Hilltop School and the high school.

Ms. Eberenz questioned looking at Firehouse Lane; she asked if other place were looked at. She questioned the traffic at Orchard Street and other streets.

Mr. Staiger noted that most of the traffic volumes will be pass by traffic. This is a permitted use so offsite traffic is not looked at.

Ms. Eberenz questioned how much new traffic counts.

Mr. Staiger noted that about 50 % of the traffic is pass-by traffic. He noted that Dunkin Donuts primarily is passing by traffic.

Ms. Payne noted her concern about the additional traffic on Route 24. She noted that the school has a green initiative. She suggested that the traffic in the area after the construct be looked at too.

Board Attorney Peter Henry noted that may be something that borough has to look at.

Chairman Kraft noted that the board has to look at this application and is not able to look at offsite conditions. He thanked her for her comments. The chairman closed the public portion of the meeting.

Mr. Sposaro noted he would like to see if there were additional questions from the board.

Mr. Maltz noted that it seems that the applicant has the suggestions from the board professionals and the full build out plan should be included on the alternative site plan that is submitted for the next meeting.

Mr. Delaney noted that they reserve the right to cross examine on the main issues of tonight's meeting.

Chairman Kraft noted he would like a revised plan to be submitted for the next meeting.

Mr. Sposaro noted that a revised plan landscape and lighting site plan will be submitted before the next meeting. The engineer will submit revised plans. The planner along with engineer will be at the next meeting.

Mr. Maltz noted that the revised plan should show a revised fire circulation plan.

Mr. Delaney asked for a set of revised plan.

Mr. Sposaro stated that Attorney Henry had already requested an extension that was granted until October 9, 2018.

Chairman Kraft stated that the application would continue on September 10, 2018 at 7:30pm with no further notice to the public. He noted that the revised plans would be submitted.

There was some discussion of meeting dates since the next scheduled board meeting is September 10, 2018 which is on Rosh Hashanah.

Mr. Sposaro noted that they could offer other testimony than traffic if the board wanted to do traffic at the October 9, 2018 meeting.

Mr. Maltz noted that would be okay to do traffic portion of the testimony at the October 9, 2018 meeting as he was not available for the September 10, 2018. He felt that Mr. Schommer could address any issues. He noted that he would submit his review memo for the board before the September 10, 2018 meeting if the applicant submits the plans in the approved time line.

Chairman Kraft noted that at the October 9, 2018 meeting the traffic portion could be heard.

Mr. Schommer asked when revised plans would be submitted.

Board Attorney Peter Henry noted that they only thing on the agenda is this one so that may require to be re-noticed.

The board and the applicant reviewed the dates for the meeting to continue.

Mr. Sposaro agreed to the extension until November 13, 2018 and to continue the meeting on September 10, 2018. He noted updated plans would be submitted to the board and the professionals for review before the next meeting.

The board decided to continue the application at the September 10, 2018 meeting.

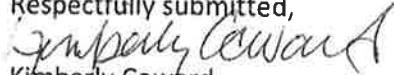
Chairman Kraft noted that the application would continue on September 10, 2018 with no further notice to the public.

ADJOURNMENT

There being no additional business to come before the board, Chairman Kraft accepted a motion to adjourn the meeting at 8:54PM. The next regular meeting of the Planning Board will be held on Monday, September 10, 2018 at the Mountainview School Cafeteria, 100 Dean Road, Mendham, NJ.

On a motion by Mr. Cascais, seconded by Mr. Kay and a majority voice vote, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly Coward".

Kimberly Coward

Acting Board Secretary