

**MINUTES
OF THE
CRANBURY TOWNSHIP
ZONING BOARD OF ADJUSTMENT
CRANBURY, NEW JERSEY
MIDDLESEX COUNTY**

**MINUTES OF JUNE 15, 2016
APPROVED ON JULY 6, 2015**

TIME AND PLACE OF MEETING

The regular meeting of the Cranbury Township Zoning Board of Adjustment was held at the Cranbury Township Town Hall (Old School Building), 23-A North Main Street, Cranbury, New Jersey, Middlesex County on June 15, 2016 at 7:30 p.m.

CALL TO ORDER

Marilee Meacock, Chairman called the meeting to order and presided over the meeting.

STATEMENT OF ADEQUATE NOTICE

Pursuant with the Sunshine Law, adequate notice in accordance with the Open Public Meeting Act was provided of this meeting's date, time, place and agenda was mailed to the news media, posted on the Township bulletin board, mailed to those requesting personal notice, and filed with the Municipal Clerk.

MEMBERS IN ATTENDANCE

- Joe Buonavolonta
- Sean Deverin
- Robert Diamond
- Michael Dulin
- John Hoffman (arrived @ 8:05 PM)
- Marilee Meacock
- David Nissen
- Frank McGovern (Alternate #1)
- Ronald Witt (Alternate #2)

PROFESSIONALS IN ATTENDANCE

- Andrew Feranda, Traffic Consultant
- David Hoder, P.E., Board Engineer
- Trishka Cecil, Esquire – Board Attorney
- Josette C. Kratz, Secretary
- Richard Preiss, P.P., Board Planner
- Virginia Guinta, Court Reporter (substitute provided)

Ms. Meacock welcomed Mr. Buonavolonta as a member to the Zoning Board.

APPLICATIONS

**ZBA280-16 Cranbury Property Management – Dunkin Donuts
Block 6.01, Lot 9, Zone HC
Route 130 & South River Road
Use Variance, Preliminary and Final Major Site Plan with Variances**

REPRESENTATIVES: Frank Petrino, Esquire
John Rea, Traffic
John Palus, Engineer
Kemlesh Shah, Architect – Kamlesh Shah Designs, Inc.
Craig Rahenkamp, Planner

PUBLIC WHO SPOKE: No public present

APPLICANT EXHIBITS:

EXHIBIT A-1 Color Version Site, 6/15/16 Landscape Overlaid over Site Plan
EXHIBIT A-2 Color Version Ariel
EXHIBIT A-3 Color Photograph
EXHIBIT A-4 Color Architectural Rendering SK-1, April 15, 2016
EXHIBIT A-5 Color Architectural Rendering SK-2, April 15, 2016

PUBLIC EXHIBITS: None

REPORTS BY TOWNSHIP PROFESSIONALS AND OUTSIDE AGENCIES:

April 27, 2016, by Andrew Feranda with Shropshire Associates, LLC
April 29, 2016, by David Hoder with Hoder Associates
April 29, 2016, by Richard Preiss of Phillips Preiss Grygiel, LLC
May 9, 2016, by Ines Zimmerman of Freehold Soil
May 17, 2016 Cranbury Volunteer Fire Company
May 23, 2016, by Jeannette A Tugya of Middlesex County Planning
June 9, 2016, by David Hoder of Hoder Associates

Mr. Petrino introduced this application, which the Board had previously taken jurisdiction to hear this matter and carried to this evening. Property was 0.75 acres located in the highway commercial zone with frontage on Route 130 and Cranbury South River Road, and the ramp connecting both of those roadways and was designated on the Tax Map as Block 6.01, Lot 9. The applicant was a contract purchaser processing this application with the consent of the owner. This property was presently vacant and previously was developed as a service station and small diner.

Mr. Petrino stated the proposed project consisted of moving the existing improvements, constructing 1,957 SF Dunkin Donuts coffee shop and drive-thru facility. The applicant was seeking a use variance, for the Dunkin Donuts, which would have 23 seats (indoor), drive-thru window, 23 parking spaces, driveway entrances off Route 130 and Cranbury South River Road, signage and other site improvements. Mr. Petrino stated this was not a bifurcated application and they were asking for preliminary and final site plan approval along with all required variances, submission and design waivers, or exceptions applicable.

Ms. Cecil swore the entire applicant and board professionals.

Mr. Palus, with credentials accepted, gave testimony related to the engineering of the site who prepared and supervised the preparation of the site plan and reports. He went through the site location and pointed out the adjacent properties; site has been an “eye sore”, run down. This application would clean up the property. They reviewed the geometry and layout of the site and choose for safety circulation two entrances with one driveway to South River Road intended to be modified to prohibit left-turn ingress. The site had three frontages, which left a very small “building envelope”; therefore, variances are required for development on this site. They have located the building on the north side of the property.

They are reducing the overall impervious coverage on site with development. They triggered a major development under N.J.A.C. 7:8, which could have been avoided except they went over one acre of disturbance. They are 0.77 acres for their property however the perimeter of the

property was a disaster so as part of the development they would clean up the surrounding gravel areas also. It was a non-issue because they already would be reducing the storm water runoff on the subject property.

Mr. Palus gave an overview of the signage: one at the entrance off Route 130, one at the exit to Route 130, enter and exit to South River Road, additional drive thru signage and direction on the interior to the property. He listed the variances; minimal lot area, three front yard variances, maximum area of free standing signs, which they have two with three frontages, maximum number of façade signs propose three where two are permitted, maximum façade signs on one wall proposing two on the front wall, number of directional signs which they have six proposed (no standard). The design exceptions; parking area of four spaces encroaching the front property line, parking area located within front building area and street line for all the parking, park are separated from row with islands which they are proposing three islands which would be 5-FT islands. Refuse between street and front of the building, which they cannot conform the yard requirements because of the reduced building envelope and are stuck to multiple frontages.

Ms. Meacock mentioned previous application where there were concerns from the public about children crossing Route 130 to patronize the site and asked the applicant to address.

Mr. Palus said the branding of convenience stores were a concern however he said this was coffee and donuts, and felt with the thriving downtown there was more a draw there than the Dunkin Donuts.

Mr. Palus addressed Mr. Hoder's letter of June 9, 2016, under technical review. At the DRC they initially showed sidewalk crossing over South River Road and the DRC felt they did not want to see sidewalks at that location. The applicant did provide sidewalk to the northwest corner of the intersection from the property at the egress for the drive through; traffic signalization made that the idea location.

Mr. Hoder commented he had a different opinion.

Ms. Meacock felt that South River Road was very dangerous.

Mr. Feranda did not feel there was sidewalk to the north of that location, so there would not be a need to connect anywhere. At least that is a place where the traffic should stop, but felt that they would be traveling 55 MPH and would be more appropriate having it at the signal. The crosswalk across South River Road was in agreement not a good idea. Placing sidewalk there might encourage pedestrian traffic at that location, which they wanted to discourage for safety reasons.

Mr. Palus felt a loading space in front of the dumpster would be adequate, which the applicant could control when they come to the site and those large delivers where only about once per week. The discussion referring to the lighting would require a waiver, bases according to the standards, there would be no glare and only on during hours of operation. However, the applicant reserved the right to be open 24-hours if wanted.

Ms. Leheny raised the issue of the directional sign. Mr. Palus said that was in the site triangle and would probably shy away from that one. Mr. Leheny mentioned ground cover on southern tip. Mr. Palus said he would look into it, but the development of the property was not going to be cheap but felt they incorporated sustainable improvement. They did agree to look at dressing it up a little bit more.

Mr. Rea went through the traffic testimony. Mr. Diamond asked about access south bound on Route 130. Mr. Rea agreed if someone were dedicated to have a Dunkin Donut's coffee would require them to use the jug-handle by the BP to U-turn.

Mr. Feranda was concerned with tractor-trailers coming up Route 130 and making the turn and stopping distances to react to a vehicle entering the site. Mr. Rea said there would not be a chance a tractor-trailer would go around the curve at 50 mph; he felt they would flip over and felt that would not be an issue. Mr. Feranda said it looked as if the sign located by the curve in the road was blocking the site distance. Mr. Rea mentioned someone should be looking at the sign at the Enterprise/Italian Restaurant and look to see if the sign was legal because he felt the sign was compromising safety; however he considered it in their design.

Mr. Feranda mentioned the loss of time if motorist do not use their turn signal, shorting the 400-FT available. Mr. Rea said that he looked but it is a decision that needs to be made by the driver.

Mr. Shah addressed the signage. There was some discussion about the color of the bollards, which Ms. Leheny brought up that Mr. Preiss asked if they were willing to change the color from orange to black. Mr. Shah mentioned they need to be "seen", but there was no standard. Ms. Cecil asked about the illumination of the signs and were there any on site that was internally illuminated. The answer was only the menu board. Mr. Shea said the building signs were externally illuminated. Mr. Hoder mentioned the directional sign were internally illuminated.

Mr. Rahenkamp gave the planning testimony. He noted that hardship within itself was a "special reason". He used the Medici case in testifying and in using economic reason was allowed to be a case. The site was tiny with roads on all three sides, nothing permitted would fit here. Everyone has seen this empty site sitting out there for many years and this was the reverse in trying to find a use for a very long time and a use that needed to be a very small building with relative little parking. This use finally fits, however a use that the site was not zoned for. This site has no hope for delivery of larger retail uses as permitted in the zone. The master plan does recognize

that problem for this site and within the corridor in 2010 and mentioned the need to substantially revise the listed uses within the district to facilitate the use of some of the parcels there. This had been addressed several times since but still had not aiding development of the site. Recently the Township Committee has been thinking again about the possibility of opening this zone up to additional uses. This would not infringe on the intent of the zoning code; it would not interfere with other lands to be used as zoned, physically compatible with the uses one would typically see in this location, the size of the site relative to the size of the zone (small site and not significant share of the zone), use similar to other uses in the zone (still felt the Dunkin Donuts was different than a traditional fast foods operation), and the drive-thru(s) is/are already in the zone such as the bank and would not stand out.

Mr. Rahenkamp felt it was a visual attractive building as opposed to the empty lot presently existing. The improvements of landscaping actually being maintained would make an attractive “gateway” location as a visual impact to the community as a whole. In this case fiscal was a major reason for redevelopment of this site to a productive use and create retables out of this vacant land. He stated the other uses would not negatively affected by having this on the island with landscaping around it nor a deterrent/impact to anyone off-tract any worse than any other permitted uses. He did not feel they were creating a deterrent to traffic, any different than a permitted use would have had a permitted use been able to fit on the property.

Mr. Rahenkamp felt this was the solution for this property, which worked well for the site. He said, in terms of the bulk variances applied, would be the same as the arguments for the use variance. He felt it was obvious there needed to be relief from the setbacks.

Ms. Leheny agreed this was a constrained site based on its size and location with three front yards. She said she personally remembers three or four applications have looked at this site, which none seemed to work. She felt this was a way to have a productive and viable use for the site.

Mr. Kasha? Patel (applicant), sworn, briefly told the board the success of these franchises.

Mr. Nissen motioned for the approval of the application use variance, preliminary and final site plan with exception and waivers with the conditions as mentioned in the professionals reports and discussed during the hearing.

Ms. Cecil listed some of the items discussed:

1. The desire there be some additional shade trees to break up the parking area and southern end of the site, and
2. Both of the parking spaces by Route 130 would be employee only, and

3. Height of the directional signs to be reduced 3'6" and poles on the directional signs would be black as well as the trim, and size reduced to the next size down, and
4. The bollards would be either black or cranberry in color, and
5. Everything noted in the professionals reports and the few things that were suggested that the applicant did not agree to, and
4. All signs would be externally lit except for the directional signs and menu board, and
5. Reducing the light posts in parking lot of which four would be lowered, and
6. There would be no recharge on site, and
7. There would be a left turn permitted onto South River Road, however no left turn permitted into the site, and
8. Potentially making circulation one way on site but the applicant requested remain two way flow as shown, and
9. Signage measurements to be correct (for the Dunkin Donuts sign on SK-1), and
10. Sidewalk only on Route 130, and
11. Mr. Hoder felt this did not need a developer's agreement.

ROLL CALL:

MOTION MADE: Mr. Nissen
MOTION SECONDED: Mr. Hoffman

AYES: Mr. Buonavolonta, Mr. Deverin, Mr. Diamond, Mr. Dulin, Mr. Hoffman,
Mr. Nissen, Ms. Meacock

NAYS: None
ABSTAIN: None
ABSENT: Mr. McGovern

MOTION PASSED

ACTION TAKEN BY THE BOARD: Approved

MINUTES

Minutes for August 5, 2015; September 2, 2015; November 4, 2015; December 9, 2015; January 27, 2016; February 3, 2016; April 6, 2016; and May 11, 2016 were unanimously approved.

ADJOURNMENT OF MEETING

There being no further business, on motion duly made, seconded, and carried, the meeting was thereupon adjourned.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify;

That I am duly elected and acting secretary of the Cranbury Township Zoning Board of Adjustment and, that the foregoing minutes of the Zoning Board of Adjustment, held on June 15, 2016, consisting of 8 pages, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Zoning Board of Adjustment this July 6, 2016.

Josette C. Kratz, Secretary

/jck