Meeting opened at 7:00 pm with Pledge of Allegiance followed by roll call:

**ATTENDANCE:**

Planning Board Members:

**Present:**

Mr. Scapicchio, Mr. Schaechter, Ms. Mott, Ms. Natafalusy, Mr. Nelsen, Mr. Galop, Mr. Batsch,

Mr. Weiss

**Excused:**

Mr. Forlenza, Mr. Mania, Ms. Shanaphy

Board Professionals:

Chuck McGroarty, P.P., AICP; Mike Vreeland, P.E.; Walter Lublanecki, P.E.; C.M.E.; Jeffrey K. Keller, Ph.D.; James Bryce, Esq.; Mary Strain, PB Secretary

**MINUTES**

Minutes of November 10, 2022 – approved

Minutes of November 17, 2022 – approved

Minutes of October 19, 2023 – approved

Mr. Batsch reported that the Ordinance Committee is working on updating the Reexamination Report. The report was last updated in 2015 and has to be updated by 2025. The report focuses on zoning throughout the Township and Highlands changes and exemptions.

**APPLICATIONS FOR PUBLIC HEARING**

PB 23-05 Yum & Chill Restaurant Group, LLC

Preliminary & Final Major Site Plan w/d variance

292 Route 206

Block 6800, Lot 5

Appearing for the application: Alan Lowcher, Esq.; Timothy Enos, Head of Operations for Taco Bell & Wendy's; Marc Leber, P.E.; John Corak, P.E.; Matthew Flynn, P.P.

Alan Lowcher, Esq. noted that the application was carried from the September 14th meeting in order the give the applicant time to obtain a traffic impact study, which has been submitted to the Planning Board. As a result of that traffic impact study, the applicant's engineer has submitted a revised site plan which eliminated several variances including impervious coverage, reducing the light pole height, and the freestanding sign has been revised to comply with the ordinance.

Timothy Enos was sworn. Mr. Enos testified that he is Head of Operations for Taco Bell and Wendy's. He is responsible for the day to day operations of all of the restaurants in terms of daily operations, financial controls, staffing and hiring along with anything involved with newly opened restaurants. They have restaurants in New Jersey and a few in New York. The proposed hours of operation for the lobby for this new location are 7:00 am to 11:00 pm. The drive-thru will be 7:00 am to 2:30 am. There will be a maximum of six employees on site during lobby hours and three or four for the drive-thru after the lobby closes. Mr. Lowcher questioned why only two employee parking spaces are proposed for up to six employees. Mr. Enos responded that generally their employees do not drive. Most of their employees get a ride to work or use public transportation.

Mr. Enos explained about hours of delivery for food and supplies for the restaurant. They use a key drop system. The deliveries come in after hours and the drivers have a key. They open up the back door and drop the food in the freezer, cooler or dry storage areas. After, they lock up and reset the alarm. The whole delivery process takes about 30 minutes. Mr. Enos also discussed the operating standards of the drive-thru for the Board. If an order is going to take a little longer, they have that customer pull up out of the way and bring the food out when it is ready. The menu board is placed optimally so that they can keep the line moving. It is the Taco Bell standard design.

Deliveries were discussed. The delivery door is located in the front of the restaurant. Mr. Enos explained that usually the delivery door is in the back. In this case it is located in the front. The truck will park as close to the door as possible so the drivers can unload as quickly as possible. The delivery will occur between 2:30 am and 7:00 am when the restaurant is not open. Deliveries are only done when the employees are not working because of safety reasons. There will be two deliveries per week.

Mr. Enos testified that garbage will be picked up twice a week. The pick up day will depend on the routing of the garbage company. Garbage will not be picked up during the rush periods, which includes lunch and dinner hours.

The second witness, John Corak, P.E., was qualified as a professional engineer to testify regarding traffic impacts for the applicant. Mr. Corak explained that he has made some revisions to the initial traffic study submitted for the application. The site is subject to NJDOT approval and as part of the initial submission to the NJDOT, there are two key requests. One was to remove the cross access between this site and the 7-Eleven site. The second request is to have the proposed site driveway be a full movement driveway, and not a right in and right out, to provide for a legal left turn out of the site. The left turn is due to the fact that there are no options to turn around on Route 206. The best option would be to use another parking lot, which is considered an illegal turnaround. The capacity and service analysis has been reconducted to account for the the turning movements occurring at the site driveway. The calculations show that the driveway would operate at acceptable levels of service and in compliance with NJDOT's Access Management Code. Mr. Corak noted that the queuing at the driveway is minimal and there is some depth to the driveway that will also contribute to less impact. Their study concluded that the redesign did not have any adverse impact to the traffic. He addressed the suggestion from Mr. Lublanecki to have exclusive left turn and right turn lanes for the driveway. The applicant is agreeable with that suggestion pending the NJDOT's review and approval. Mr. Corak indicated that they have added an additional 3 parking spaces for a total of 20 parking spaces. Mr. Corak further explained that he has visited the site and did a gap analysis while making a left turn onto Route 206. He believed there is a more than sufficient gap in length of time for left turns out of the site. Lastly, Mr. Corak indicated that the NJDOT would request a letter from the Planning Board to have exclusive right turns only out of the site, and even then, they may not approve right turns only.

Traffic volume at that section of Route 206 was discussed. The Board Members had safety concerns about making a left out of the site during rush hours and on weekends. Mr. Lublanecki asked about the gap time. Mr. Corak explained that the average gap time to make a left out of the site is 45 seconds.

Queuing at the drive-thru was questioned. Mr. Corak explained that 12 vehicles are the most that typically will be lined up at the site during peak hours and traffic would not back up onto Route 206. Mr. Lublanecki suggested that the menu board should be moved further down to add an extra car length. Mr. Enos explained that moving the menu board and pick up window would reconfigure the kitchen plan, which is a standard Taco Bell plan for optimal customer service. To shift 20 feet would not be doable.

Marc Leber, the engineer for the applicant was called up for testimony. Mr. Leber presented Exhibit A-3: *Four Page Taco Bell Photo Renderings*. Mr. Leber reiterated that the cross access to the neighboring 7-Eleven was eliminated, the entrance from the highway has been reconfigured, the parking has been increased to 20 spaces, the site lighting fixtures were lowered to 18 feet, and the size and height of the sign in front has been reduced. He also noted that while making the changes they were also able to eliminate some of the lot coverage from 19,244 square feet to 19,015 square feet. He reviewed the photos for the Board and pointed out various service amenities on the site. The painting on the walk-in box was questioned. Mr. Leber explained it was a mural that is used as standard decoration for Taco Bell. Mr. Schaechter requested that the mural be eliminated.

Mr. Leber presented Exhibit A-4 consisting of two sheets entitled *Fire Apparatus Turning Plan* consisting of 1 sheet and *Refuse Truck Turning Plan* consisting of 1 sheet, prepared by East Point Engineering, LLC revised 10/30/23. He reviewed each of the plans for the Board Members. Mr. Leber addressed Mr. Vreeland's report. The applicant has lowered the light poles in accordance with Township requirements. They are still asking for relief from parking stall sizing and the one-way drive-thru bypass isle.

Matthew Flynn, P.P., was qualified as a professional planner to testify for the applicant. Mr. Flynn presented Exhibit A-5: *Five Page Aerial Photos taken by John McDonough Associates on September 12, 2023*. Mr. Flynn reviewed the photos for the Board Members. He explained that the applicant is requesting a d3 conditional use variance. The applicant is requesting relief from lot area and lot depth requirements. The site is approximately 0.6 acres where 2 acres is required. Also, the depth of the lot is 148 feet and 150 feet, and the requirement is 250 feet. He believed the site works well for the proposed Taco Bell restaurant. Mr. Flynn addressed the negative criteria of the proposal. The site is across the street from a McDonalds, a similar use. He explained this is a different genre of fast food. He talked about the previous use, a gas station, which functioned similar to a drive-thru. He further compared the other uses surrounding the site. The applicant is also requesting relief from setbacks for parking. There will be no impacts to neighboring properties and there is a substantial tree buffer behind the site which will remain. The site is not adjacent to any residential areas. He did not believe that this site would have any substantial detriment to the public or to the Township Zone Plan. There are about 14 conditions for this particular use and the application complies with most of them. Mr. Flynn addressed the positive criteria of the application and explained that the inherent value of the use has been contemplated by the Zoning Ordinance. It is a permitted conditional use. It will be a substantial aesthetic improvement compared to the gas station that was previously on the site, giving the site a fresh new look. This is a prime location for the use with great visibility. The overall convenience of the drive-thru use directly benefits the customers. The applicant is also requesting some c variances for front yard setback, rear yard setback and accessory building setbacks. Mr. Flynn indicated that the suitability of the site outweighs any of the potential detriments of the c variances. The parking space dimensions, which are proposed to be 9 feet by 18 feet, is an industry standard where 10 feet by 18 feet or 9 feet by 20 feet are required and the parking space location is proposed to be 16 feet from the right-of-way where 25 feet is required. He concluded that this application will be making the most efficient use of land on an undersized lot.

No public came forward. The Board voted 2 in favor with 5 opposed, denying application PB 23-05 for Yum and Chill Restaurant Group, LLC.

PB 22-25 Speicher, Michael

Minor Subdivision, d variance, Preliminary & Final Site Plan

Old Ledgewood Road

Block 4200, Lots 16, 16.03, 19 & 20

Appearing for the application: Michael Selvaggi, Esq.; James Glasson, P.E.; Nicholas Dickerson, P.P.; Michael Speicher, Applicant

Mr. Selvaggi outlined testimony at the previous Planning Board meeting on September 21, 2023. The engineering plans have been revised to reflect comments of the Board at that meeting.

James Glasson, P.E. presented Exhibit A-9: *Landscaping, Regrading & Entrance Rendering, colorized version dated 11/15/23*, consisting of 1 sheet. Mr. Glasson outlined the major revisions of the plan. The right turn radius for the entrance/exit for the property on Old Ledgewood Road has been decreased and the left turn radius has been increased. The signage will direct no right turn/left turn only out of the site. The landscaping has been revised to add two walls along the left side of the parking lot and the rear near the accessory structure. They have added more buffering along the side adjacent to the wetlands with more wetlands vegetation plantings. A six foot berm is proposed. The fence location has been moved adjacent to the tree line and kept outside of the wetlands disturbance. Mr. Vreeland confirmed that there will be revisions to address the storm water design.

Dr. Keller questioned the landscaping and reforestation. He indicated that the Norway spruce is a non-native species and will have to be replaced in certain areas of the plan. The mulched bed on the eastern side is not reforestation, and Dr. Keller suggested that it be replaced with the meadow mix that is being used elsewhere in the reforested areas on the plan. Dr. Keller also asked that a deer enclosure be placed along the chain link fence.

Mr. Weiss opened the meeting to the public. David Mooney of 54 Old Ledgewood Road asked if the proposed berm would have trees on it. Mr. Glasson responded that it would be a six foot berm with six to seven foot trees on top.

Nicholas Dickerson, P.P. of Colliers Engineering and Design, was sworn and qualified as a professional planner. Mr. Dickerson presented Exhibit A-5:  *Aerial photo taken 4/22/2023*, prepared by Civil Engineering, dated 4/23/23 consisting of 1 sheet. He described the site and surrounding areas for the Board Members. He explained that the site is in the residential R-3 zone so the applicant is seeking a d1 use variance relief for the proposed operations and multiple c variances, which in his opinion are all c2 variances. The requested variances relate to impervious coverage, height of the accessory building, bulk variance for an identification sign and two bulk variances relating to fencing. He believed all of these variances would be related to the overall operation and his testimony would address them collectively under the d1 variance. He addressed the positive criteria and noted that the site is suited for the proposed use. The use will promote the public health, safety and general welfare. There are similar types of uses in the area. The site will provide for light, air and open space as discussed with the landscaping design. The proposed development will consolidate a bunch of odd shaped lots. The planned development will direct traffic to Route 206 and improvements will be made to the alignment and drainage of Old Ledgewood Road. The office will continue to maintain a residential appearance along Old Ledgewood Road and the aesthetic of the frontage will be enhanced with landscaping. Mr. Dickerson addressed the negative criteria. He explained the site is buffered and there will be no lighting impacts to the neighboring properties. The proposed development is not inconsistent with the intended purposes of the Township's Land Development Ordinance and the 2023 Master Plan. The building will be used as an office, but will maintain its residential appearance. The site will be a light industrial use. There will be no substantial detriment to the surrounding area or the Township's Zone Plan.

Mr. McGroarty questioned the consistency of the proposed development with the Township's Master Plan. Mr. Dickerson made the comparison of light industrial to residential in the area of the proposed development as noted in the Township's Master Plan revisions from 1973 to 1986. He concluded that there were no reasons given in the Master Plan as to why the property was changed from light industrial to residential. Mr. McGroarty explained why the property was designated as residential in the 1986 Master Plan. It was because the neighboring Roxbury properties were all becoming more industrial and Mount Olive Township did not want the industrial businesses to continue over into Mount Olive in that area. He further noted that the last variance granted for a property on Old Ledgewood Road was granted twenty plus years ago. Mr. Dickerson pointed out that the resolution of the municipal boundary discrepancy between Roxbury and Mount Olive also changed the layout of properties along Old Ledgewood Road.

Opened to the public for questions for Mr. Dickerson. George Mooney of 47 Old Ledgewood Road asked about the subdivision. Mr. Selvaggi noted that the subdivision is to merge the lots. Meeting closed to the public.

Mr. Weiss opened the meeting to the public for testimony. Mr. George Mooney of 47 Old Ledgewood Road was sworn. He had concerns about the property becoming a commercial property. Mr. Bryce explained the process for d variances. Mr. Mooney discussed some of the history of the property and noted that he did not want the property be used as a commercial use.

David Mooney of 54 Old Ledgewood Road was sworn. He explained he has lived on Old Ledgewood Road his whole life and he did not want the property to be used for a commercial business. He said the applicant, Mr. Speicher, has not been the best neighbor over past years. The Verizon building on Old Ledgewood Road is not currently operating and nothing has replaced it. The street has become very busy and it does not seem to be safe.

John Mooney of 54 Old Ledgewood Road was sworn. Mr. Mooney raised concerns that Mr. Speicher was in violation for running a business out of the residential house he owns on Old Ledgewood Road. He wanted to know why Mr. Speicher was still running the commercial business out of a residential house. Mr. McGroarty explained, once an application is filed for a property, the violations are on hold pending the decision of the application. Mr. Mooney asked why Mr. Speicher was going to receive permission to build a bigger building in the back when there is already a building he is using. He also noted that the landscape has changed a great deal over what it used to be. The meeting was closed to the public.

Mr. Weiss listed the conditions of approval for the application. There will be no right turns out of the site and all traffic will be directed towards Route 206. The drainage calculations for the storm water management will be upgraded. The hours of operation need to be noted for lighting purposes. The revised landscape and forestation plan should be submitted to be reviewed by Dr. Keller. The deed of merger must be submitted. Mr. Speicher will operate his business as a single unit and no other businesses will be permitted to operate on the site.

Mr. Nelsen made a motion to approve PB 22-25 with conditions as listed, seconded by Mr. Galop. The Board voted 5 in favor with 2 opposed, to approve application PB 22-25 for Michael Speicher minor subdivision with d variance, and preliminary and final site plan.

With no further business the Board adjourned at 10:02 pm.