

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman David Wigglesworth presiding. Other members present were Harry Bilicki, William Christman, Wayne Choyce, John Kurtz, John Percy and Heather Tomasello. Also present were Christopher Carey, Landscape Architect Consultant; Steven Filippone, Engineer Consultant; Alexander Litwornia, Traffic Engineer Consultant; Vincent Polistina, Planner Consultant; and John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Percy moved, seconded by Mr. Christman, to approve the minutes of the meeting of October 18, 2012, as published. SAID MOTION CARRIED WITH SIX MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

McDonalds USA, LLC (Determination of Completeness, Preliminary and Final Minor Site Plan Review) – Stephen Nehmad, Attorney; Michael Jeitner, P.E.; Laurie Kiedaisch, McDonalds Real Estate Representative; and Karan Traa were present.

Mr. Percy disclosed that he had a business relationship with the Traa Corporation in the distant past, and he stated that the past relationship would not impair his ability to independently and fairly judge the application before the Board on its merits in any way. Mr. Nehmad stated that Mr. Percy’s representation was acceptable to the Applicant.

Mr. Nehmad informed those present that McDonalds USA, LLC, was requesting minor site plan approval to “rebrand” the existing McDonalds Restaurant located on a leased portion of the Toys “R” Us site. He stated that the proposed addition to the building, exterior façade modification and site and drive-thru modifications were intended to improve the aesthetics of the site, as well as to provide a safer and more efficient drive-thru operation. Mr. Nehmad noted there would be an increase in landscaping and a decrease in impervious coverage.

Mr. Jeitner advised that the Applicant was requesting a waiver from the requirement for submission of a landscape plan. He stated that the site presently complies with the Ordinance requirement for landscaping and the proposed improvements would not be impacting the landscape areas that exist on site.

Mr. Jeitner stated that the Applicant was requesting a waiver from the requirement for a storm water management plan and explained that there would be a decrease in impervious coverage.

Mr. Jeitner stated that the Applicant was, also, requesting a waiver from the requirement for a lighting and signage plan, but would be willing to evaluate the site lighting in an effort to make sure the roadway and surrounding area would be acceptable from a safety standpoint. He agreed to add lighting if it is found to be necessary. Mr. Jeitner noted that the new lighting for the building would be LED, which is a more efficient and a slightly softer lighting type than presently exists on the building.

Mr. Filippone, Mr. Carey, Mr. Polistina and Mr. Litwornia recommended that the application be deemed complete, with certain waivers granted, conditioned upon compliance with providing certain information as set forth within their reports. Issues related to site triangle obstruction and adequate site lighting were identified.

Mr. Percy moved, seconded by Mr. Christman, to deem complete for review Application No. 2012-008, submitted by McDonald’s USA, LLC, with waivers granted from the requirement for submission of a landscape plan, storm water management plan and a lighting plan, conditioned upon confirmation that the sight lighting is adequate from an Ordinance and safety standpoint; verification there are no site triangle obstructions; and compliance with the recommendations contained within the reports of Steven Filippone and Christopher Carey, dated November 27, 2012; Alexander Litwornia, dated November 21, 2012; and Vincent Polistina, dated November 27, 2012. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Pointing to various exhibits, Mr. Jeitner described existing conditions; the proposed modifications to the site; the proposed addition; the proposed building treatment; and the existing and proposed signs. He stated that there would be a sidewalk connection from the existing sidewalk along the site frontage into the McDonalds site, which was the result of discussion with the Board's consultants.

Mr. Jeitner testified that the number of signs on the building would increase from two to six, but the total square footage would be reduced from 134 SF to 116.2 SF, thereby, reducing the extent of the existing nonconformity with regard to permitted square footage. He described the proposed building signs and their locations, and noted that the signs were designed so they would not overtake the new look or new branding element of the building itself.

Mr. Jeitner stated that the Applicant was seeking a variance for a gateway clearance bar (drive-thru non-illuminated clearance sign, with no branding) to exceed the sign height maximum by ten inches to promote safety and to provide direction and enough clearance for larger vehicles.

Mr. Jeitner stated that the Applicant was also requesting a height variance to permit a height of eleven feet one inch for the canopy sign that extends over the order point for each of the menu board locations, with the only verbiage being "order here". He noted that the canopy serves two functions: protection from the elements and safety.

Mr. Jeitner testified that the McDonalds site itself would not require a variance for parking if it had been developed on its own lot as a fast food restaurant, even after the improvements are constructed; but it was part of a shopping center that did not presently comply with the required spaces and there were nine parking spaces being eliminated to accommodate the new drive-thru facility. He stated that twenty-nine spaces would be required for the McDonalds facility, and there would be thirty-five spaces remaining after nine are eliminated. Mr. Jeitner advised that the entire site required 501 parking site, that there were 498 existing, and that there would be 489 spaces remaining if the variance for parking is granted.

Mr. Jeitner expressed the opinion that the McDonalds site functionally operates as if it were on its own lot, as it is separated from the Toys "R" Us facility by the marginal access road.

Mr. Jeitner stated that he evaluated the site from an operational standpoint, and talked to Ms. Traa, and determined that the loss of nine parking spaces would not have a negative impact on the site's operation, as an average of seventy percent of this particular location's business is drive-thru orders. He expressed the opinion that the new drive-thru configuration would expedite orders, which could result in persons who may have chosen to park and enter the building to avoid a longer wait, choosing instead to stay in the side-by-side drive-thru, thereby, reducing vehicular and pedestrian conflict.

Mr. Jeitner stated that the Applicant was seeking a variance from the required setback from the Black Horse Pike, as the existing building was set back 97.9 feet, and the proposed addition would be set back 92.2 feet, due to the existing building not being exactly parallel to the Black Horse Pike. He noted that the curbing around the building and the parking lot area would remain in the present location.

Mr. Jeitner expressed the opinion that the purposes of the Municipal Land Use Law would be advanced and the benefits gained by granting the variances would fully outweigh any detriments. He opined that the general welfare would be enhanced by improving traffic safety due to the proposed modifications to traffic circulation in and around the site; by providing a more desirable visual environment by creating a new exterior look to the building; by a reduction in the square footage of the aggregate signage; and by the increase in green area.

Mr. Nehmad stated that the Applicant would address the comments contained within the reports of the Board's professional consultants and would evaluate the site lighting as well as the site triangles.

Ms. Traa testified that there has never been a problem with parking at this site during the average peak demand period during the seventeen years it has been in operation; that the

restaurant has a higher than average drive-thru percentage of approximately seventy percent due to its proximity to the shopping centers; that all patrons park on site and do not park in front of the “Toys “R” Us store and walk across the marginal access road, as it would be inconvenient; that the McDonalds leased area was independently evaluated when determining whether thirty-five parking spaces would be adequate; that delivery trucks do not have to park adjacent to the building, as the products are rolled to the building on carts; that attempts are made to get the delivery trucks in and off the site in a speedy manner; that she was not aware of any problems at this site with delivery operations; that they are not able to schedule delivery time, but there are not supposed to be deliveries between 12:00 PM and 2:00 PM; that the deliveries occur two or three times weekly and take between twenty and thirty minutes; that, when necessary, truck drivers call approximately one half hour prior to arrival time so cones can be placed where they need to park; and that she would take steps to see that trucks are parked off site until the scheduled unloading time.

Board members asked questions and commented on such issues as site illumination, visibility at driveways, signs, adequate parking, location of trucks making deliveries; area needed for the new drive-thru configuration; adequate delivery truck maneuvers; adequate parking during deliveries; adequate access for emergency vehicles; storm water management; and pedestrian related issues.

In response to the question as to whether the site could accommodate the type of fire trucks the fire companies now have, Mr. Filippone stated that it was his opinion, based on his visual review and the turning radius indicated on the plan, that they would be able to maneuver on site, as the reconfigured drive-thru would have painted strips and not curbing. Mr. Jeitner stated that they could provide the additional turning radius as requested by Mr. Litwornia without any impact to the plan.

Mr. Filippone and Mr. Carey reviewed the comments in their report and Mr. Nehmad stated he would accept the comments.

Mr. Litwornia reviewed his report and asked questions related to certain aspects of the proposal. Mr. Jeitner and Ms. Traa responded, and agreed to provide architectural plans as requested by Mr. Litwornia for verification of certain issues.

Mr. Polistina reviewed his report, pointing out the variances that were being requested. He commented that the issues that had been raised during the course of the hearing would be evaluated once the Applicant submits revised plans reflecting the requested information.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Percy moved, seconded by Mr. Christman, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Mr. Choyce moved, seconded by Mr. Kurtz, to grant preliminary and final minor site plan approval to McDonalds USA, LLC, Block 1134, Lots 14, 15, Application No.2012-008, with variances granted to permit a front yard setback of 92. 2 feet, to permit 489 parking spaces, to permit 116.2 sq. ft. of building mounted sign, to permit the “order here” canopy signs to be 11’ 1” high, to permit the “Clearance Drive-Thru” sign to be 10’ 10” high and to permit six building-mounted signs, conditioned upon compliance with the recommendations contained within the reports of Vincent Polistina, dated November 27, 2012, Alexander Litwornia, dated November 21, 2012, and Steven Filippone and Christopher Carey, dated November 27, 2012; verification that there are no obstruction to any site triangle or modification to remove obstruction(s); certification that the site lighting complies with Ordinance requirements and adequately illuminates the site from a safety standpoint or modification to accomplish same; verification that delivery trucks and fire trucks can safely maneuver on site or modification to accomplish same; and providing pedestrian signage consistent with MUTCD standards at all pedestrian crosswalks.

Mr. Percy questioned whether the proposed changes to the building exterior comply with the Ordinance provision for “earth tones” for commercial development in the area of the subject application, and Mr. Polistina expressed the opinion that it would.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Bilicki – Aye. He stated that he liked the new design of the restaurant but was a little concerned with regard to lighting on site.

Mr. Christman – Aye. He stated he still had some concerns with regard to how deliveries by tractor trailer trucks would be accommodated and that he hoped they would make a serious attempt to ensure the safety of patrons.

Mr. Choyce – Aye. He commended the Applicant with regard to the “clean look” of the design, and expressed the opinion that some of the sign variances were necessary from a safety perspective. He stated that he saw no detriment to granting all of the sign variances requested and the variance for building setback

Mr. Kurtz- Aye. He commented that it was a “very clean look and upscale design”.

Mr. Percy – Aye. He stated that he completely agreed with the review comments and he saw no drainage problems. He emphasized the need to address pedestrian safety, as he felt there would be pedestrian traffic from the Toys “R” Us site due to the new design.

Ms. Tomasello – Aye. She stated that it was a “smart looking building”, but her only concern was lighting east of the building and she would like to see lighting increased in that area.

Mr. Wigglesworth – Aye. He thanked the Traa family for further enhancing the community with a very smart design.

SAID MOTION CARRIED.

Public Comment – Mr. Wigglesworth opened the meeting to public comment and there was no response.

Mr. Christman moved, seconded by Mr. Percy, to close the public comment portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Hamilton Mall – Ms. Tomasello commented favorably with regard to certain improvements that had been made at the Hamilton Mall as a result of the approval granted by the Board.

In response to a question of Mr. Percy with regard to why there was still water in storm water management basin No. 2, Mr. Filippone stated that he had questioned it a few months ago, and his investigation revealed that there was periodic backwash from the domestic water system. Mr. Percy questioned how a public entity would be able to use private property for that purpose and Aline Dix commented there may be an agreement related to the construction of Well No.8. Mr. Filippone stated he would investigate.

Sidewalk – Mr. Percy pointed to certain projects that had been approved where new sidewalk did not provide an appropriate connection in certain areas, and he expressed the opinion that the Board’s consultants should pay particular attention to the issue when reviewing applications for development.

Adjournment – Mr. Percy moved, seconded by Mr. Christman, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Respectfully submitted,

Nancy Rainbow,  
Planning Board Administrator

