

**BOROUGH OF TINTON FALLS
PLANNING BOARD**

**REGULAR MEETING
FEBRUARY 23, 2011**

Chairman John H. Cunningham, Jr. called the meeting to order at 7:30 P.M.

Chairman John H. Cunningham, Jr. read the following statement: "This is a regular meeting of the Tinton Falls Planning Board and is being held in compliance with the New Jersey Open Public Meetings Act. Adequate notice of this meeting has been given by posting on the Bulletin Board of the Municipal Building and by advertising in the Asbury Park Press and The Coaster."

ROLL CALL

Present: Mr. Cunningham, Councilman Baldwin, Det. Trocchia, Mr. Brown, Mr. King, Mr. Lomangino, Mr. Lodato, Mr. Collins

Absent: Mayor Skudera, Mr. Pak

Others: Dennis Collins (Board Attorney); Paul Gleitz (Borough Planner); Bruce Jacobs (Board Engineer); Bruce Klein (Traffic Consultant); Erin Swartz (Board Secretary)

All present stood for a Salute of the Flag.

Mr. Cunningham noted that Mayor Skudera had sent Gerry Turning as a designee in his place however the Board already has a quorum and Mr. Turning is not needed this evening.

Professional Reports –

Mr. Gleitz stated that he received an email from the Chairman inquiring about the ability to provide a space on the application form for applicant's to briefly description of what the applicant is proposing. He has provided the application of Byram Township's Land Use Board as a reference.

Councilman Baldwin stated that he had asked for this over a year ago and several Board members spoke up in agreement.

After a brief discussion the Board agreed that they would like to see a sheet added to the current application which provides a space for the applicant to give a written description of what it is they are proposing. Mr. Gleitz suggested they add a statement to let applicants know that Board members may visit the site and questions regarding a dog on the property may be applicable. Mr. Lodato also requested information regarding intended use/tenants and whether or not the applicant is requesting outdoor storage.

The new form will be sent to Council, after review and agreement by the Board, with a request that they adopt an Ordinance to implement the new form.

Mr. Cunningham welcomed our Traffic Consultant, Bruce Klein who is in place of Lee Klein of T&M Associates. He added that they will be handling the Agenda out of order due to the fact that he and Councilman Baldwin will be recused from the hearing the Application that is scheduled.

Approval of Minutes – Mr. Cunningham noted that the approval of the February 9, 2011 minutes will be carried to the next meeting.

Resolutions –

PB2010-09, JOHNSTONE SUPPLY/ZZH REAL ESTATE, BLOCK 128.03 LOT 1.02, GRANTING MINOR SUBDIVISION, SUBMISSION WAIVERS, AND PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH VARIANCES AND DESIGN WAIVERS – Dennis Collins advised that this Resolution has been previously circulated and comments have been incorporated. There were no further discussions by the Board on this matter.

Mr. Brown offered a motion to adopt the Resolution, seconded by Mr. Collins.

ROLL CALL:

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AYES: Mr. Brown, Mr. Collins, Mr. Cunningham, Councilman Baldwin, Det. Trocchia, Mr. King, Mr. Lomangino, Mr. Lodato
NAYS: None
ABSENT: Mayor Skudera, Mr. Pak
INELIGIBLE: None

Mr. Cunningham advised the members of the public of a few procedural rules and guidelines. He then advised Board members of a training seminar to be held at Brookdale on March 26th. If anyone is interested in attending, please contact Ms. Swartz.

Mr. Cunningham advised that he and Councilman Baldwin are now stepping down as they live within 200 feet of the property in question. Vice-Chairman Gordon Brown will conduct the remainder of the meeting. Mr. Cunningham added that Mr. Brown has submitted a letter of resignation, effective March 31, 2011. Mr. Cunningham indicated that he had discussed this with Mr. Brown earlier and that Mr. Brown had also personally notified the Mayor. Mr. Cunningham further indicated that the Board accepts the resignation with deep regret. At that point, Messrs. Cunningham and Baldwin recused themselves and left the dais for the remainder of the meeting.

PB2010-10, The Shoppes at Tinton Falls, Block 128.03, Lot 23.01, Seeking Completeness Waivers and Minor Site Plan Approval – Dennis Collins advised that the notices are in order and the Board has jurisdiction to hear this matter.

John Giunco introduced himself as the Attorney for the Applicant. With him this evening is Scott Turner, the engineer and Gary Dean, the traffic engineer.

A Set of Plans entitled Preliminary and Final minor Site Plan for The Shoppes at Tinton Falls, consisting of 4 sheets, prepared by Menlo Engineering Associates, Inc., Alfred R. Coco, PE & LS, dated September 17, 2010, last revised January 13, 2011 was marked as Exhibit A-1.

*A Colored Rendering of the Overall Site Plan was marked as Exhibit A-2.
Colored Details of the Signage Package were marked as Exhibit A-3.*

Scott Turner was sworn in and accepted as an expert engineer.

The Board Professionals were sworn in.

Mr. Guinco stated that this is an application by The Shoppes at Tinton Falls for a drive thru at an existing Dunkin Donuts located within the shopping center. The Ordinance requires two directional signs and the applicant is proposing three. Also, the applicant is seeking an additional variance for the menu board which is considered a freestanding sign.

Mr. Turner described the location of the property noting that it is on Asbury Avenue between Essex Road and Jumping Brook Road and is in the HCC zone. He reiterated that this is an application for a 37.41 square foot drive thru window which is to be added to an existing establishment within the shopping center and is an approved use of the zone. There is an existing office building on the site, west of the shopping center and a 2500 square foot bank pad with a drive thru to the east. The site currently has parking for 133 vehicles, with some land banked parking, as previously approved by the Zoning Board. The project will require only 108 spaces. There is an existing loading zone to the rear of the main 16,200 square foot building. Currently the loading zone is situated immediately adjacent to the loading zone and there are some parking spaces behind the building with a stormwater management basin directly behind the parking stalls.

Mr. Turner referred to exhibit A-2 and pointed out the proposed drive thru window, noting it is shown in a dark brown color. There will be some curbing added to help direct traffic through the drive thru lane. The loading zone in the rear of the store is being relocated to the area which currently contains

parking stalls. 18 parking stalls will be removed and 4 will remain for fleet parking for another business within the site. During the TRC meeting, there were concerns regarding conflicting movements between loading vehicles and queuing of the drive thru traffic. Even with the removal of these 18 spaces, the site is still compliant in terms of parking. Three directional signs are being proposed to provide safe negotiation of the parking and to direct customers through the parking areas and safely around to the back of the store where they will get themselves on line for menu board and ultimately the drive thru window which is located on the easterly side of the building. The freestanding menu board will be 46.7 square feet and will be located at the southeast corner of the main building. There is a small speaker tower in that menu board, which is a standard height for many of the Dunkin Donuts within the state. The sign itself is 46.7 square feet and there are attachments that can be used on the menu board. The height of the menu board is about seven feet tall. The menu board will not be visible elsewhere on the site and will enhance the customers use of the drive thru.

Mr. Turner referred to A-3 and pointed out the various signs to be used as well as the awning that will go on top of the drive thru window. In regard to the report of Bruce Jacobs, dated January 25, 2011, the applicant will comply with all outstanding comments and additional testimony will be provided from the Traffic Engineer. Likewise, in the report of the Paul Gleitz, dated January 25, 2011, there is some additional testimony that being requested and will be given by the Traffic Engineer but there are no technical engineering comments that require revisions to the plans.

Mr. Turner testified that should the Board grant this application, there will be no detrimental impact on the surrounding community. Nor will it impact the zone scheme of the Borough.

Mr. Brown asked for any questions of Mr. Turner based on the testimony given. Mr. Lodato questioned the utilization of the parking was advised that it will be addressed by the Traffic Engineer.

Mr. Brown asked for any questions of the public for Mr. Turner based on the testimony given. No questions were received.

Gary Dean was sworn in and accepted as an expert traffic engineer. Mr. Dean advised that he has handled about 75 Dunkin Donuts Drive Thru applications in New Jersey and is very familiar with this application. He had worked on the application when this site was originally approved. He referred to A-2 and noted that a landscaped island has been added as a "bump out" to help direct exiting traffic of the drive thru lane and to prevent them from driving into the wrong lane of traffic upon exiting. There will be a stop bar and a stop sign for vehicles leaving the drive thru in order to give the incoming bank traffic the right-of-way. The rear access lane to the rear of the building will be a one-way only. The existing loading area will be moved, as previously testified, in order to provide a drive thru lane, a loading zone and a bypass lane.

Mr. Dean stated that the peak of the Dunkin Donuts traffic will be conducted in the morning hours between about 5:30 a.m. and 9:00 a.m. At that time, few, if any, of the other tenants are open. He had conducted some traffic counts; in the morning, the Dunkin Donuts is attracting about 75 vehicles during the peak a.m. hour, which was 7:45 a.m. until 8:45 a.m. They also looked at lunch time conditions and found that the bank is not very busy at all, even at lunch time. He conducted his review of the site on December 22nd, right near the holidays which is normally a peak time of operation for banks. Also during lunch hour, he noticed that Dunkin Donuts was doing nominal amounts of business. When a motorist comes into the site from Asbury Avenue, a directional sign will face the drivers and will direct them around the outer perimeter of parking to come into the drive thru. One of the benefits of the drive thru is that it limits the amount of conflicts between people parking and walking in to the store. A certain percentage of the customers like the convenience aspect and they will avail themselves to that drive thru aspect.

Most Dunkin Donuts locations do not see a lot of stacking due to the very high turnover of customers. Mr. Dean is aware of the fact that there is a location on Shrewsbury Avenue that he characterizes as a

problem site for a variety of reasons; it was a retro fit to an existing building that already had a drive thru for another operation, it is a small building and there is a limited amount of drive thru stacking before it spills into the main parking lot and eventually onto the side street that serves that location. By contrast, this site has a significant amount of unencumbered stacking space. This site can get approximately 16 cars queued behind the building without impacting the parking area. He expects a peak queue of around 8 to 10 vehicles, which would bring the line to about the middle of the rear of the main building. In terms of parking, this center is one of the most over-parked centers he has seen. There are 133 spaces constructed, with another 33 spaces being banked should the need arise. From his observations, the parking lot never filled to even two-thirds capacity. There is never one time that all tenants of the building will be busy at the same time. The elimination of the rear parking spaces can readily be absorbed in the parking supply that exists up front.

In regard to the loading zone and rear parking area, one of the tenants has a catering business that uses vans and small box trucks. There may be some restrictions on parking of commercial vehicles and the intent is to have 4 dedicated spaces for those few vehicles, behind the building and away from public view. Mr. Dean feels that the drive thru could have successfully operated with the loading zone remaining in place adjacent to the stores due to the offset of peak business hours however Borough Officials expressed some reservations about hypothetical situations such as a truck unloading, while the drive thru has a queue and an emergency vehicle needs access. Therefore the answer was to take advantage of the extra black top on the site and they used the southernmost parking area as a loading zone.

Mr. Dean indicated that he reviewed the reports of the professionals, noting that Mr. Klein's office had the bulk of the comments. He referred to Exhibit A-2 and noted that the drive thru window is the gray box shown on the eastern side of the building. To the north of that, there is a painted stop bar to ensure right-of-way control for anyone exiting the drive thru so they know to yield to traffic going to the bank. Mr. Klein's comments indicate concern that if a car is stopped at the stop bar, a second car may not be able to get to the drive thru. Due to the limited amount of traffic using the bank, 99% of the time, the Dunkin Donuts customer will be able to pull forward therefore he does not see that becoming an issue. Since this is just a convenience issue and not a safety issue, he would not want to compromise the design to get one more car in there. It is safer to let them wait. Beyond that, he feels he has addressed the comments in the T&M Associates' letter.

Mr. Guinco asked Mr. Dean to review the hours of operation. Mr. Dean replied that the Dunkin Donuts is open from 5 a.m. to 10 p.m. Monday through Saturday and 5 a.m. to 9 p.m. on Sunday.

Mr. Guinco referred to Mr. Lodato's question regarding peak parking and asked Mr. Dean to address same. Mr. Dean stated that even in December, only about half of the lot was full but no more than two-thirds of it. There is an abundance of parking on this site.

Mr. Dean added that the granting of the requested variances will be beneficial to patrons attempting to navigate the site safely and properly. The variances will not cause any detriment to the surrounding areas.

Mr. Klein questioned whether or not there will be a change in the number of trips to the site once the drive thru window is installed. Mr. Dean stated that they have done some before and after studies, not for Dunkin Donuts but for McDonald's who have added drive thrus, and found that there may be about 10 more vehicles during the peak hour. These types of sites will get more added traffic in the off-peak hours due to someone driving past the site and they see a drive thru so they are much more likely to come into the site. Mr. Klein asked if those trips would be new or would they be trips that were already on the road and are just new to the site. Mr. Dean replied that he would not be able to quantify that. Mr. Klein questioned queuing at the bank which is on site. Mr. Dean replied that they conducted a site visit on Wednesday, December 22nd and over the course of the entire lunch time hour,

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the total counts were as follows: only 2 cars used drive thru lane 1 which is closest to the building, 2 cars in the second drive thru lane, 3 cars in the third drive thru lane and they found 4 cars that were parked along the Dunkin Donuts building, where the drive thru is proposed, that used the bank's bypass lane to exit the site. During that count, there was no queue at the bank. He added that the manual for Traffic engineers has recognized that there has been a substantially significant decline in drive up bank traffic due to online banking.

Mr. Jacobs questioned delivery vehicles that access the rear of the building for the other tenants and asked if the delivery times will coincide with the peak hours of Dunkin Donuts. Mr. Dean replied that there will be no conflict as the peak hour for Dunkin Donuts is around 8 a.m. and there are no deliveries at that time of the morning. The dedicated loading zone has been proposed to avoid any possible conflicts.

Mr. Lodato questioned whether or not there is a drive thru ATM at the bank and asked which bank it is. Mr. Dean replied that he does not believe there is an ATM in the drive thru, but if there is, the drive thru count was still low. He added that it is a Two River Bank.

Board members indicated concerns with conflicts of traffic using the bank and traffic utilizing the Dunkin Donuts drive thru. Mr. Dean indicated that it will be a self-policing situation. He must operate and design a site based on the belief that drivers will be attentive while driving. The traffic control was placed to give bank customers the right-of-way and they will enter the site just as they do today. Banks tend to be busier when there is a lull in Dunkin Donuts business. He feels that after a few times visiting the site, people will get used to the design.

Mr. King suggested a speed table in the rear of the building to prevent excessive speeding. Mr. Dean stated that it is hard to regulate inconsideration and that the speed table concept could be introduced however this plan was reconfigured to address the Emergency Personnel concerns and Fire Personnel tends to not want speed bumps and tables because it interferes with their equipment. It is something that can be evaluated once the site is up and running.

Mr. Brown asked if there were any further questions for Mr. Dean. Seeing none, he asked for questions from the public for Mr. Dean, based on the testimony given. No questions were received.

Mr. Giunco stated that that concludes the presentation. He would ask that the Board vote favorably on the application. He feels that the variances are diminimous from the Ordinance in that they will help the facility operate more effectively. He commended Mr. Turner and Mr. Dean for preparing the plan and incorporating all of the Borough Staff's comments.

Mr. Brown asked for any comments or questions from the public. No questions or comments were received.

Mr. King offered a motion to approve the application, seconded by Mr. Lomangino.

Dennis Collins reviewed some outstanding issues with the Board. It was determined that the stop bar does not need to be moved, nor is a no right turn sign required leaving the drive thru lane. If needed, based on site conditions, the applicant may be required to install traffic calming devices in the rear bypass lane. In regard to shortening the concrete divider, it was determined that the full length divider was acceptable.

ROLL CALL:

AYES: Mr. King, Mr. Lomangino, Det. Trocchia, Mr. Brown, Mr. Lodato, Mr. Collins

NAYS: None

ABSENT: Mayor Skudera, Mr. Pak

INELIGIBLE: Mr. Cunningham, Councilman Baldwin,

Board Member Absences –

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Mr. Lodato offered a motion to grant excused absences to Mayor Skudera and Mr. Pak, seconded by Mr. Lomangino. All present members voted in favor by voice vote.

Open Public Discussion – Mr. Brown noted that this is the point of the meeting when the public is allowed to speak on any matter not currently pending before the Board or regarding litigation. No questions or comments were received.

Mr. Lomangino offered a motion to close the public discussion, seconded by Mr. Lodato. All present members voted in favor by voice vote.

ADJOURNMENT-

Mr. Brown advised the Board members of upcoming Agenda items, noting the next meeting is March 9, 2011.

Mr. Lodato offered a motion to adjourn the meeting, seconded by Sean Collins. All present members voted in favor by voice vote.

Respectfully Submitted,



Erin Swartz
Board Secretary

Approved at a meeting held on: March 23, 2011