

BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
January 31, 2023

Present:

Councilman Derryck White
Gerry Butrico
Richard Houghton, Vice Chairman
Jack Peterson
Mayor Matthew Anesh
Suzanne Lepore, Alt 1
Mrs. Campagna, Alt 2

Absent:

Brian Bythell
John Mocharski
Michael Pellegrino
Bob Ackerman; Chairman

Also Present: Alex Fisher, Esq., Bob Bucco, PE, Timothy Jenssen, PP

Vice Chairman Houghton opened the meeting at 7:00 pm stating that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Courier News and The Star Ledger and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: None.

Resolutions: None.

Current Files: None.

Informal Hearings: None.

Hearings:

A. Case #814 – So-OAK Park Commons, LLC
Block 222; Lots 1; OBC-4 Zone
903 Oak Tree Road

The applicant is requesting preliminary and major final site plan approval to convert a 6,430 square foot stand-alone pad into a Popeye's consisting of 2,360 square feet with a proposed drive-thru lane. Additional improvements include, but are not limited to, parking lot paving and striping, concrete sidewalks, installation of a trash/recycling enclosure, wayfinding signage, building mounted signage, a drive-thru canopy, vehicle height clearance bar, and menu/ordering boards. No expansion of the building is proposed.

(Carried from January 24, 2023)

Ms. Gonchar for the applicant Meryl Gonchar, Esq. - Sills Cumms & Gross P.C. - 1 Riverfront Plaza, Newark NJ 07102

Applicant is seeking preliminary and final major site plan approval with C-variances and design waivers to transform an existing pad building into a Popeyes fast food restaurant with a drive thru. The second part of the building will be used for an unidentified retail establishment. The Oak Park Commons is a 16.2 Acre shopping center. The subject Building is at the Southwestern portion of the shopping center, a 6,430 sq. foot stand-alone building. Proposing to convert 2,360 sq ft to Popeyes. Interior will have a dining area, restrooms, and the kitchen area. Drive through will be on the north and east sides of the building and have counterclockwise circulation around the building. No expansion of the building is proposed. Use is permitted in the OBC-4 zone. Requesting a parking variance, 780 required, 713 existing. 8 parking spaces to be eliminated for 705 total. Requesting a variance since they are not proposing a loading space, one is required under ordinance. 24ft 2-way drive aisle. 22.2 ft currently, ordinance requires 25ft.

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The Board Planner has identified a sign waiver for the number of signs. Notices and publishing found in order and served in a timely manner; Alex Fisher confirms.

Mr. Welsh - Matthew Welch - Langan Engineering and Environmental Services, Inc. Senior Project manager. 300 Kimball Drive, Parsippany NJ 07054. Credentials accepted by the board.

Mr. Welch introduces Exhibit A-1 - January 25, 2023, an aerial exhibit of existing conditions. Mr. Welch orients the board to the exhibit. Shopping center is 144,260 square feet. Accessed along Oak Tree Road, and Park Avenue with 713 parking spaces.

Existing non-conforming variances:

- Max floor area - 143,000 is permitted where existing is 144,260 sq ft.
- Lot area - 20 acres required where 16.02 existing.
- Front yard setback from Park Avenue - 50 feet required and 45 feet existing.
- Rear yard setback - 50 required, 32 feet existing.
- Setback from Woodland Avenue, 75 feet required, 45 feet is existing.
- Minimum distance to right-of-way to a residential zone - less than 300 ft is existing.
- Maximum building coverage- 1% required, 20.4% existing.
- Minimum parking - 780 required. 713 existing.
- Minimum drive aisle width - 25 feet required 22.2 ft most narrow in project area.

Mr. Welsh states that it used to be a Fitness19 building and is 6,430 square feet, about 19 feet tall, surrounded by a 2-way parking aisle.

Exhibit A-2 - Proposed site plan rendering dated January 25, 2023. Applicant plans to renovate the existing building. East side of the building is reserved for future retail use, about 4,070 square feet. No tenant for that space currently. West side of building is where the Popeyes is proposed. This space is about 2,360 square feet. Popeyes is mostly a drive-thru fast-food restaurant, 75% of orders are drive thru or delivery services. Open 7 days a week, 10am-11pm. Maximum number of employees is 6-7 people. Shift changes about 3pm-5pm. The public entrance is on the southern side of the building. Proposing a new sidewalk, new curb ramp, and 2 parking spaces with ADA access. Drive-thru window on west side of the building, on the Park Avenue side. Ordering menu will be on the northern side. The average time customers are at the drive thru is 2 minutes from time of ordering to the time they are driving away. There will be 16 dine-in seats indoors. On the north side of the building there will be an employee entrance, also where the trash enclosure will be located. Existing trash enclosure is 8 feet x 8 feet, proposing to enlarge to 20feet x 10 feet or both trash and recycling. No objections to providing a crosswalk in that area.

The drive-thru Lane will be 10 feet wide. Drive isles range from 20.3 feet to 17.6 feet 1-way drive aisles. Existing non-conforming width of 22.4 feet, existing 2-way drive isle on the west of the Popeyes. That will now be a 1-way drive aisle. The narrowest 2-way drive aisle is now 24 feet, still non-conforming but positively changed. Also, modifying the parking spaces along Park Avenue, making them angled parking stalls. Boarded by landscape islands, to the south proposing plantings of low juniper shrubs. There are existing buffer shrubs in poor condition and will replace those.

Deliveries occur 3 times a week, between 8am and 10am, outside of operating hours, therefore a loading zone is not required. Will utilize the rear employee door to load in while the store is closed. Mr. Bucco asks for clarification on the delivery times. Trash is removed 3 times a week, between 7am and 9 am. Ms. Gonchar states this is average for Popeyes and what is anticipated for this location, may vary based on the operations.

Lighting was replaced in 2018 by owner property and meets the ordinance. There are no changes to stormwater management or utilities proposed. Proposing 2 new landscape islands, therefore decreasing the impervious coverage by 514 square feet.

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Exhibit A-3 - Colorized architecture drawings, elevations created by Zelta Design, sheet SK2. Fresh facade to the building for Popeyes. 4 signs proposed, 2 on southern side, 2 on western side. "Popeyes" is considered 1 sign and "Louisiana Kitchen" is considered a 2nd sign. Ordinance only allows for 1 wall sign per use. Variance proposed for the 3 wall signs. Mr. Jenssen confirms that the variance is for the quantity of signs.

Mr. Welsh refers to exhibit A-2 and states that the drive thru circulation will be going counterclockwise around the building. Pedestrian access to the building from the rest of the shopping center. Proposing a crosswalk to the east of the building and south. No pedestrian access from the public sidewalk to the Popeyes.

Parking spaces lost with the conversion from perpendicular parking stalls, and the incorporation of 2 ADA parking spaces. 713 parking spaces currently and 703 proposed. Popeyes is a primary drive-thru use, less parking is required than a dine-in restaurant. LA Fitness has recently opened in the shopping center which does not impact the parking where the proposed Popeyes will be, it is too far.

Angled parking stalls needed since there will be one-way drive isles. Since it is a narrow drive isle, too small for perpendicular parking stalls. All parking stalls are 9X18. Confirmed that with the operation of new uses there is still an oversupply of parking.

Mr. Bucco asks if the ADA parking stalls are van accessible?

Mr. Welsh agrees. Curb ramp and sidewalk will also be compliant.

Mr. Bucco asks about recycling. Mr. Welsh answers stating that recycling will be handed in the same trash enclosure and be picked up 3 times a week, with the same hours as the trash pickup (morning off peak).

Not having a loading space - loading happens before the store is open. Very common for fast-food use and only occurs a few times a week. Tim asks about the types of trucks that will be loading/unloading?

Mr. Welsh states that typically there is 1 tractor trailer a week, the rest are box trucks.

No change in stormwater management, and all utilities are currently at site and are adequate for the use. Review sign variances again - 4 facade signs proposed, only 1 is permitted. Tim confirms that since the signs are not connected, the Popeyes connected to the Louisiana kitchen, each section is a separate sign making 4 total signs where only 1 is permitted. Mr. Welsh and Ms. Gonchar reviewed the existing non-conforming variances again.

Mrs. Campagna asks about the dimensions of the building. Mr. Welsh responds stating the length and width are 65.3 feet x 100.5 feet long. Mr. Bucco asks about overflow of queuing on the drive through.

Mr. Welsh states that the drive-thru can accommodate 5 vehicles from the drive thru window to the order point. Mr. Bucco asks how many spaces are available before the order board. Mr. Welsh states there is 1 space before the order board. Mayor Anesh asks about how many vehicles are expected in the drive through at a time. Mr. Welsh states that any spillover into the adjacent drive aisle will only affect the Popeyes operation, not the rest of the shopping center. Mayor Anesh expresses concerns with drivers coming from the bank towards Popeyes during peak hours, states that that should also be a one-way drive aisle, does not see people entering from Park Ave and using that drive aisle as that entrance is not used as often. Bucco and Tim, Mr. Welsh and Mayor Anesh comment about the drive aisle being a 2-way vs. 1 way and discuss possibilities. Mr. Welsh states that they can re-stripe it to be a 1-way. All agree. Mrs. Lepore asks about the angled parking in that area. Mr. Welsh agrees to the angled parking and Mrs. Ms. Gonchar asks if they will be losing more parking area. Mr. White mentions that it is an area of safety concern. Mr. Welsh confirms they would lose 1 additional parking space by putting in angled parking stalls and would solve the concerns. Mr. Fisher and Ms. Ms. Gonchar agree that they would subtract 2 parking stalls to allow for the restriping, therefore the applicant is asking for a variance to eliminate 10 parking spaces bringing the total to 703.

Suzanne asks about if there will be a barrier to prevent vehicles coming through the drive thru lane and pulling up right up to the window, by passing the ordering area. Concerns with theft of orders. Mr. Welsh

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responds that there will be no barrier, however, there is only 1 window system where you pay and receive your order at the same window. Mrs. Campagna asks about if there are any safety markings or striping for pedestrians walking up to the front of the building. Mr. Welsh explains that there is a proposed stop sign when you are approaching the T, no stop sign when exiting the drive thru. Discussion between Mrs. Campagna, Ms. Lepore, Mr. Houghton, Bob Bucco and Tim Jenssen about the possibility of making that all the way stop. Decide to work between the engineers to make a final decision. Ms. Lepore asks about the other half of the building and if there are any plans for it to be a restaurant in the future? Mr. Welsh responds that there no tenant yet, lot of parking in the shopping center, no future parking concern. Ms. Lepore asks what if a future tenant that wants a drive thru? Mr. Welsh responds that it would be challenging; they would have to come back in front of the board. Mrs. Campagna asks if there will be 1 or 2 tenants in the empty space. Mr. Welsh states only 1 tenant. Mrs. Campagna asks if she was to enter off Oak Tree, what is the circulation to get to Popeyes drive thru. Mr. Welsh describes the circulation, entering the shopping center, turning left by the Aldi and LA fitness. Then make a left to go by Wells Fargo or make a right and go up by Dunkin' and go around the building. Discussions on what drivers will decide to do depending on the time of day and peak periods.

Mr. Butrico asks about truck deliveries and parking. Currently with the site, there is under parking in other areas. Was the entire site looked at to see if parking can be added anywhere else? Mr. Welsh replies no, they did not look at the entire site. Mr. Butrico states that there is an area behind Woodland Ave, behind AutoZone, employees park behind there and it is not striped. Did the striping wear away, is that a fire lane? Mr. Welsh replies that he is not aware of any designated parking areas in that area. Mr. Butrico states that there are 15-20 cars parked parallel along the retaining wall, seems to be employees of those stores. AutoZone also uses 3 spots for their delivery vehicles, how are those 3 spots used in the parking counts? Can we look at other areas of the site to make the parking situation better? Mr. Welsh responds that they have not looked at a full view of the entire parking of the shopping center. Can look at it, down the road. Mr. Butrico expresses concerns about that area possibly being a fire zone that cars are parked in, was it signed or striped. Mr. Fisher states that we can review the site plans of the shopping center and see what was approved, can refer to the fire official if needed. Mr. Butrico states that if it is not a fire lane, can it be paved and striped as parking spots to gain parking? Mr. Fisher and Ms. Gonchar discuss impervious surface ordinances. Mr. Welsh states that it looks to be designed as a loading area, if cars are parking there and it is not a fire zone, we can see what can be done. All agree to investigate the parking situation outside of this application.

Mr. Butrico asks about if other locations have outdoor walk-in refrigerators and if there will be a future need for one. Mr. Welsh states that Popeyes created their layout for what they needed, therefore no foreseeable need for an outdoor walk-in refrigerator and/or freezer. Mr. Fisher brings up the letter from the Middlesex County Department of Health and Public Safety stating that their office needs to approve any kitchen plans. Mr. Welsh, yes that ill be done once the building permits are pulled. Mr. Fisher brings up the revie letter from the South Plainfield Fire Marshall asking about the fire alarm installation for the building. Mr. Welsh agrees to a fire alarm.

Tim Jenssen states that in the OBC-4 one that requires an affordable housing contribution, Mr. Jenssen asks Mr. Fisher if it ill be required as this is not new construction. Mr. Fisher states that we will have to look at the ordinance and a condition of approval will be to comply with all affordable housing requirements. Ms. Gonchar agrees and ill review further as part of resolution compliance. Mr. Bucco refers to his January 3, 2023, letter. Mr. Welsh states that areas in disrepair that there are partial island repairs, can replace the entire island.

Vice Chairman Houghton opens to the public.

Frank Wassel – 3410 Park Avenue South Plainfield NJ 07080. Has lived here for 19 years, fought the original construction of the shopping enter. Has concerns with the parking lot now that LA Fitness has moved in. At the entrance and exit off Park Avenue, not supposed to make a lefthand turn, however drivers still do. Mr. Fisher defers to the Police Department for enforcement. Councilman Derryck White

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states we will call traffic safety and notify them of the complaint. Mr. Wassel states that drivers speed down Park Avenue. Councilman Derryck White states he will notify traffic safety of both issues. With no further public comments or questions, the public portion is closed.

Mr. Fisher reviews the variances:

- Minimum drive aisle width - 25 feet required 22.2 ft most narrow in project area.
- Minimum parking - 780 required. 703 proposing.
- No Loading Space where 1 is required.
- Total of 4 façade signs where only 1 is permitted.

Vice Chairman Houghton called for a motion of approval. John Mocharski made motion, seconded by Councilman Derryck White. Those in Favor: Mayor Anesh; Councilman White; Mr. Butrico; Mrs. Campagna; Ms. Lepore; Mr. Pedersen; Mr. Houghton; Those Oppose: None.