

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
August 23, 2016**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
Councilman Derryck White  
Bob Ackerman; Chairman  
Jack Pedersen, Vice Chairman  
Paul Grzenda  
Rich Houghton  
John Mocharski  
Brian Bythell: Alt. 1  
Stephanie Bartfalvi; Alt. 2

**Absent:**

Michael Pellegrino  
Peter Smith

**Also Present:** Alex Fisher, Esq.; Bob Bucco, PE, CME, CPWM; Nick Dickerson, PP, AICP

**Chairman Ackerman** opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer & The Courier News 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:** May 24, 2016 Meeting

Mr. Mocharski made the motion, seconded by Councilman White. Those in Favor: Mayor Anesh, Councilman White, Chairman Ackerman, Vice Chairman Pederson, Mr. Grzenda, Mr. Houghton, Mr. Mocharski, Mr. Bythell and Miss Bartfalvi.

**Resolutions:** None

**Current Files:** None

**Informal Hearings:** None

**Public Hearings:**

- A. Case #16-01 - Hawkeye Development Co., Inc.**  
Block 212; Lot 3 & 6; R-7.5 Zone  
2720 Park Avenue & 120 West Fairview Avenue

The applicant is requesting Preliminary Major and Final Major Subdivision approval.

James F. Clarkin, III, Esq., attorney for the applicant addresses the Board. He is requesting an adjournment. Mr. Clarkin confirms with Mr. Fisher that the Notices are in compliance and the Board has jurisdiction. The application was submitted for a nine (9) lot major subdivision – eight (8) single family residential lots and one (1) lot as a detention basin. Through the professional review, there are 37 comments from Mr. Bucco on the retention basin. Therefore, the applicant has reconsidered the design and will eliminate the retention basin. An amended application will be submitted with revised plans for eight (8) lots. Drainage will be handled differently.

Mr. Clarkin would like to return on September 13, 2016. It is agreed upon that the revised plans will be submitted by August 29, 2016. Mr. Bucco confirms that is sufficient time for his review. Currently, there are no variances associated with this application.

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Mr. Fisher states that the Notices will carry to the September 13, 2016 meeting. However, if it goes beyond that date, new Notices will be necessary.

Mr. Clarkin offers to address the numerous residents currently present. Conference room was offered.

Chairman Ackerman states that this case will be carried to September 13, 2016 meeting and no new Notices required for this date.

Chairman Ackerman addresses the residents in the audience. The application has been withdrawn from today's meeting and will be heard on September 13, 2016 because new plans will be submitted.

**B. Case #775 - MUY Brands, LLC (Taco Bell)**  
Block 528; Lot 46.04; OBC-3 Zone  
4807 Stelton Road

The applicant is requesting Preliminary and Final Site Plan approval.

Patrick McNamara, Esq. attending for Bill Sullivan, Esq. from Scarinci Hollenbeck, applicant's attorney, addresses the Board. He states that the notice was in the July 20, 2016 Home News Tribune. Mr. Fisher confirms that the Notices are in compliance and the Board has jurisdiction.

Lewis Hayes – 921 Vosseler Avenue, Martinsville, New Jersey - is sworn in by Chairman Ackerman. He is the District Manager for MUY Brands, LLC. and oversees eight (8) local Taco Bell restaurants. He is responsible for daily operation, hiring and profitability. Using the plans labeled SC-1, he describes the location of the building, drive-thru, garbage dumpster location, parking etc.

Deliveries are made on Wednesdays and Saturdays at 6:00 am. Trash pick up is Wednesdays and Fridays prior to 6:00 am. Hours of operation are from Sunday through Thursdays 7:00 am to 2:00 am... dining area closes at 11:00 pm. The drive-thru remains open until 2:00 am. Friday and Saturdays hours of operation are 7:00 am to 3:00 am... dining area closes at midnight. The drive-thru remains open until 3:00 am.

In proposed plan the dining area is reduced from 84 seats to 60 seats.

Mr. Ackerman questions Mr. Hayes if there is a driveway that connects the parking lot of Taco Bell to the mall area. Mr. Hayes states there is. There is a curb area separating the drive-thru from the mall.

Mr. Dickerson asks Mr. Hayes: Where are the entrances to the building? *There is one (1) facing Stelton Road and one (1) on the side from the parking lot.* How do people use the front entrance when the cars que up for the drive-thru? *There is a sidewalk. There is parking along Stelton Avenue, left and right of the building.*

Mr. Bucco questions about the accessibility of emergency vehicles. Mr. Hayes states he did not have the architect do a turning radius because the building structure has been in its place since the early 1980's – 30+ years. Mr. Bucco has some concerns about emergency vehicles getting around. Apparatus and emergency vehicles have changes since the building was originally built. As a conditional approval, Mr. Bucco would like a submission of the WB-50 access.

Chairman Ackerman would like the applicant to address the Bureau of Fire Prevention review letter with regards to bollards to be put in place around the above ground gas meters and to confirm new electrical supplies will be underground... these questions are being differed to the architect.

Mr. Fisher states that the Environmental Commission per its July 20, 2016 review letter has no objection to granting a waiver for the Environmental Impact Statement. However, they would like:

- 'NO IDLING' signs posted... no objection from the applicant.

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- A narrative about the recycling plan. Taco Bell has not been complying with the annual requirement. The applicant was unaware. Councilman White explains that this report goes to the State which helps the Borough receive Environmental Grants. The applicant will do so and forward the report to Dr. Alice Tempel, Environmental Commissions.
- Burning Bush is an invasive alien species and should not be used... no objection from the applicant. They will contact Dr. Tempel for the list of appropriate shrubs.

Mr. Fisher states that according to the Health Department they would like a full set of kitchen plans with equipment specifications... the applicant will submit those plans to the Health Department.

Chairman Ackerman has requested to receive copies of all the conditions for compliance review... the applicant will send him a copy.

Peter Gluszko – Gluszko Architects - is sworn in as an expert Professional Architect. Using the plans submitted with the application which are before the Board, Mr. Gluszko explains the location of items on the property... building, garbage dumpster, drive-thru, parking, kitchen, dining area etc. The proposed improvements are: new HVAC, new windows, new LED lighting, new kitchen, new seating area, new roof, new insulation and a canopy over the drive-thru area.

Chairman Ackerman questions where the drive-thru will be located. Mr. Gluszko states that it will remain in the same location but updated.

Mr. McNamara asks Mr. Gluszko to address Mr. Bucco's concerns in his Engineering Review letter dated July 20, 2016. Mr. Gluszko has no objections and will comply with his recommendations - Site Requirements and Grading / Drainage. However, there is no underground storage facility.

All light fixtures heads will be replaced using LED lamps... however, not the posts.

Mr. McNarmara asks Mr. Gluszko to address Mr. Slachetka's Planners Review letter dated August 15, 2016. He has no objections to his recommendations.

Mr. McNarmara asks Mr. Gluszko to address the Bureau of Fire Prevention review letter undated but received on July 16, 2016. Currently, there are two (2) bollards by the one (1) gas meters. All other utilities are underground. The wet sprinkler system is being removed since it is not required by code. The applicant agrees as a condition of approval to add the fire alarm system with central station system as recommended. The applicant will receive a letter from the owner giving permission to remove the wet sprinkler system.

Mr. Dickerson questions if the applicant has calculated the parking requirement based on patron use. Parking exceeds the number of patrons. Taco Bell has reduced the number of seats from eighty-four (84) to sixty (60) because more business is done through the drive-thru. Drive-thru vehicles in que are seven (7) vehicles during peak time. The average wait time from Order Board to pick up of food is three (3) minutes.

Chairman Ackerman confirms with Mr. Bucco that all concerns have been addressed.

There is a prior non-confirming side setback. However, there is no documentation allowing the setback.

Mr. Fisher advises the Board that they should consider the following:

- Preliminary and Final Site Plan approval.
- There is no formal indication of the prior setback. Therefore, setback variance.
- Three (3) waivers are being requested: Traffic Impact, Environmental Impact and Storm Water and Drainage Impact. There are no objections from the Borough Professionals to grant the waivers.

MUY Brands, LLC will comply with all Borough professionals' reviews including:

- Engineers Review letter.
- Planners Review letter.

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- Truck turning template.
- Provisions for NFPA 72 Alarm System – Central Connection.
- 'No Idling' signs.
- Recycling Report.
- Landscape revisions.

Chairman Ackerman calls to vote – side setback variance... existing non-confirming at 48.6 feet, required 50 feet. Mr. Mocharski motioned, seconded by Vice Chairman Peterson. All those in favor: Mayor Anesh, Councilman White, Mr. Grzenda, Mr. Houghton, Mr. Mocharski, Miss Bartfalvi, Mr. Bythell, Vice Chairman Pederson and Chairman Ackerman. Against: None.

Chairman Ackerman calls to vote – waivers for: Traffic Impact Statement, Environmental Impact Statement and Storm Water Management and Drainage Plan. Mr. Mocharski motioned, seconded by Councilman White. All those in favor: Mayor Anesh, Councilman White, Mr. Grzenda, Mr. Houghton, Mr. Mocharski, Miss Bartfalvi, Mr. Bythell, Vice Chairman Pederson and Chairman Ackerman. Against: None.

Chairman Ackerman calls to vote – Preliminary and Final Site Plan application. Mr. Mocharski motioned, seconded by Miss Bartfalvi. All those in favor: Mayor Anesh, Councilman White, Mr. Grzenda, Mr. Houghton, Mr. Mocharski, Miss Bartfalvi, Mr. Bythell, Vice Chairman Pederson and Chairman Ackerman. Against: None.

Chairman Ackerman asks the applicant when do they anticipate work to begin and how long. The applicant would like to begin work in October 2016 and will take approximately 45 days to complete.

**Old Business:** None

**Committee Reports:**

- A. **Street Naming Committee** - Chairman Ackerman report progress.
- B. **Environmental Committee** – Mr. Bythell states:
  - 1. There are concerns with Auto Bot – New Brunswick Avenue. There is a carwash in the back and the concern is the run-off. They do have an application submitted but it was deemed incomplete. Currently, waiting for updated plans.
  - 2. Clean Community fall cleanup is scheduled for October 1, 2016 at 10:00 am.
  - 3. It is too dangerous to clean up the underpass on New Durham Avenue. They would like to use their excess funds to pay the Department of Public Works and Police Department to do the cleanup for a three (3) hour span.
- C. **Council Reports** - Councilman White states:
  - 1. Extended stay hotel on Hamilton Boulevard have demolished the restaurant and will begin building shortly.
  - 2. Gibraltar Management has had some interested parties to occupy the old Macy's and MJM stores. Nothing definitive as of yet.
  - 3. There is some interest in the old Corner Bakery building.
  - 4. Shoprite is still looking to open by the Holidays. They have opened a hiring center. The back parking lot is almost completed. Equipment and shelving have been moving in.
- D. **Mayoral Updates** – Mayor Anesh report progress.

**Minor Site Plan:** None

**New Business:**

Mr. Mocharski states that Twin City has completed their addition. However, they are still using the storage trailers. Chairman Ackerman will have Dominic look into it.

Mr. Mocharski states that Borough Auto Wreckers on Hamilton Boulevard roof collapsed. The wall facing Hamilton Boulevard is on the verge of collapsing onto Hamilton Boulevard. Safety concerns. Chairman

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Ackerman will talk to Mario and Dominic to see if there is anything that can be done. Jack Pederson states that there is a Space for Rent sign over the For Sale sign. The owner is renting ground space. Chairman Ackerman will contact property maintenance and see if something can be done.

Paul Grzenda is concerned that many people who use the Quick Chek entrance by Route 287 are cutting through the gas station area to get to the store area. Cars may collide. The concern will be referred to Traffic Safety.

**Correspondence:** None

**Audience Comments:** There are several residents who would like to discuss Hawkeye Development plans. They have been advised by Mr. Fisher that they cannot discuss the application since it was not heard. Mayor Anesh explains that the Borough Professionals have seen the plans but the Board has not. Therefore, they cannot discuss the application. The concerned residents will have the opportunity to speak their concerns at the Hawkeye's Development hearing.

**Executive Session:** None

**Adjournment:** 7:55

Respectfully Submitted  
Joanne Broderick  
Planning Board Secretary