

RAMSEY PLANNING BOARD
MINUTES OF MEETING HELD ON SEPTEMBER 20, 2022

REGULAR MEETING

Chairman Iorio called the regular meeting of the Ramsey Planning Board to order at or around 7:30 p.m. **Chairman Iorio** announced that the meeting is being conducted via teleconferencing due to the COVID-19 restrictions.

PLEDGE OF ALLEGIANCE

Mr. Carey led the Pledge of Allegiance.

ANNOUNCEMENT BY CHAIRMAN IORIO

This meeting is being held in accordance with the Sunshine Law. **Chairman Iorio** read the Open Public Meetings Law notice.

| MEMBERS | PRESENT | ABSENT |
|----------------------------|----------------|---------------|
| Mr. Carey | X | |
| Councilwoman Cusick | X | |
| Mr. Garbasz | X | |
| Mr. Palumbo | X | |
| Mr. Strollo | X | |
| Mr. Verdone | X | |
| Mr. Zabala | X | |
| Mayor Dillon | | X |
| Chairman Iorio | X | |

| IN ATTENDANCE | PRESENT | ABSENT |
|-----------------------------------|----------------|---------------|
| Mr. Whitaker, Board Atty. | X | |
| Mr. Hals, Board Engineer | X | |
| Ms. Lupo, Admin. Secretary | X | |

APPROVAL OF MINUTES

A motion to approve the minutes of 08/02/22 was made by Mr. Carey, seconded by Mr. Verdone. All eligible members voted in favor. **Carried.**

CORRESPONDENCE

Letter dated August 31, 2022, from Jay R. Atkins, Esq. requesting an extension of time for the Baseline Associates, Inc. approval.

A motion to extend approval for one year was made by Mr. Carey, seconded by Mr. Palumbo.

Roll Call: AYES: Mr. Carey, Mr. Garbasz, Mr. Palumbo, Mr. Verdone, Mr. Zabala, Chairman Iorio

 NAYES:

 ABSTAIN: Councilwoman Cusick, Mr. Stollo

 ABSENT: Mayor Dillon

Carried.

WAIVER APPLICATIONS

Applicant: **Yellowstone Property Group LLC**

Location: **500 N. Franklin Tpke**

Leased Area: **2,784 sq. ft.**

Proposed Business: **Real Estate**

The office will be open 5 days a week, Monday through Friday 8:30 AM to 6:00 PM. The number of employees is 5 F/T and 1 P/T and the number of parking spaces is 14.

A motion to approve the waivers, subject to the approval of the Construction Official, Board of Health and Fire Official, was made by Mr. Carey, seconded by Mr. Zabala.

Roll Call: AYES: Mr. Carey, Councilwoman Cusick, Mr. Garbasz, Mr. Palumbo, Mr. Stollo, Mr. Verdone, Mr. Zabala, Chairman Iorio

 NAYES:

 ABSTAIN:

 ABSENT: Mayor Dillon

Carried.

PUBLIC COMMENTS - None

COMMENTS OF BOARD MEMBERS - None

ORDINANCES - None

PUBLIC HEARING

Chick-fil-A - Continuation

Block 4705, Lot 6; 726 State Highway 17

Stephen F. Hehl of Javerbaum Wurgaft, 370 Chestnut Street, Union, N.J. appeared on behalf of the applicant.

Mr. Hehl presented the following exhibits:

- Exhibit A-2 Existing Stacking Plan dated 05/05/22
- Exhibit A-3 Proposed Stacking Plan dated 05/05/22
- Exhibit A-4 ITE Generation Manual, 11th Ed.

Mr. Hehl said at the last hearing an issue was raised with respect to the site modifications that deviated from the previous approval, the original approval. Since that time, those items have been rectified and revised plans have been submitted to the Board. Chairman Iorio asked Mr. Hals to confirm that site is in conformance with the approved Site Plan by the Zoning Board. Mr. Hals said he visited the site and it is in conformance with the approved Site Plan by the Zoning Board. Mr. Intindola commented that he visited the site on September 16, 2022 at 9:16 am and there is a line of plastic delineators that prevents one from directly accessing the drive-thru window as it creates a service aisle for runners to take the food from the drive-thru window to people waiting their orders. Mr. Hals responded that although he doesn't remember if delineators were discussed at the Zoning Board, they did discuss employees in the drive-thru area taking orders on an iPad. Mr. Hals said that delineators increase the size of the sidewalk area. Mr. Hals continued that it provides an area for staff members to walk onto the pavement safely. Chairman Iorio questioned why the delineators are not shown on the plan that was submitted. Mr. Hehl responded that it's not a permanent structure that normally would be on a Site Plan.

TESTIMONY OF CHAD BAKER

Chad Baker of 5200 Buffington Road, Atlanta, GA, was sworn in. Mr. Baker is the Senior Principal Program Lead for the Northeast Region Custom Project Solutions team. Mr. Baker said that delineators are intended to keep the team members separate from the drive-thru lane. The delineators have magnetic bases on the ground and can be removed simply by twisting them and pulling them off. They are not a permanent fixture. It's a safety feature and doesn't change the function of the site. Chairman Iorio has an issue with the delineators not being on the Site Plan that was submitted to the Board. Chairman Iorio said that Site Plan is different than what's actually there. Mr. Strollo commented that he drives past the site every day and noticed three (3) vehicles with a Chick-fil-A sign on the roof tops. Mr. Strollo asked Mr. Baker if they are for home delivery. Mr. Baker said yes. Mr. Strollo has a concern with seating now inside the restaurant and the removing of additional parking spaces. Councilwoman Cusick has a concern that the delineators are not shown on the current Site Plan.

PUBLIC QUESTIONS - None

TESTIMONY OF JOHN HARTER

John Harter was previous sworn in. Mr. Harter described the existing stacking plan. Mr. Harter said that the maximum capacity of the drive-thru is approximately 24 vehicles. Mr. Harter said that once that is exceeded, under existing conditions, it starts to affect the parking, especially in the aisle that leads from the inbound Route 17 driveway to the drive-thru. Mr. Harter said that there are currently 60 existing parking spaces, but when that drive-thru is at a typical maximum condition, they lose the functionality of 21 spaces. Mr. Harter described the proposed stacking plan. Mr. Harter said that the drive-thru lane has shifted to the south with a double lane entry. This will enable more physical stacking. The original plan had 24 and now they can accommodate up to 41. That's a 70% increase in physical stacking. Shifting the drive-thru away from the parking to the left or to the north, provides an oversized lane adjacent to that part. Mr. Harter said that they physically lost some parking, but they feel that all the parking on the plan is now functional. Mr. Harter said that they are proposing 49 functional spaces as opposed to the

39. Mr. Harter said that they are proposing a drive-thru bypass lane that's along the building where the window is to deliver food. Mr. Harter said that Chick-fil-A has been a successful business, but during COVID it became busier with more volume. Mr. Harter said that by constructing the bypass lane, vehicles can get out more efficiently and keep the queue moving forward. Chairman Iorio asked Mr. Harter how many spaces are required under the code for this site. Mr. Harter said that the requirement under the code was 80, but a variance was granted for 60. Chairman Iorio asked Mr. Harter how many spaces are they proposing. Mr. Harter said 49. Chairman Iorio asked Mr. Harter if he has reviewed the Borough's Master Plan. Mr. Harter said no. Chairman Iorio said that what they are proposing is intensifying deficient parking on the site. Mr. Harter said that they are reducing parking but the functionality of the spaces are improved. Chairman Iorio commented that he agrees that this is a unique operation, but he also agrees that what we are dealt with is a site in his opinion that is undersized for this use. Chairman Iorio said in his opinion the proposal is taking away more spaces and trying to squeeze in as much as they can under the presumption that more people use the drive-thru lane because of COVID. Chairman Iorio commented that the bypass lane is very close to the property line. Chairman Iorio said that in order for people to pull out onto the bypass lane, they are only a couple of feet away from the car in front of them for it to work. Chairman Iorio said that every drive-thru that he has every gone through, everyone pulls pretty much as close as they can to the car in front of them. Mr. Harter said that he's seen it in operation at other Chick-fil-A's and it does work. Chairman Iorio has a concern with the bypass lane. Councilwoman Cusick asked Mr. Harter what is the percentage of drive-thru vs. in restaurant customers. Mr. Harter said he didn't study that at the location. Mr. Carey asked Mr. Intindola if the parking spaces accounted for the Chick-fil-A home delivery vehicles included in the parking requirements. Mr. Intindola said that one space was allocated for customer pickup on the original Site Plan and now he observed four. Although they are included in the overall count of 39, they are coned off during business hours so that these spaces are de allocated from general public spaces. Mr. Strollo asked Mr. Harter why weren't the trip generations included in his letters dated June 15, 2022 and September 6, 2022. Mr. Harter said that the NJDOT doesn't use the actual counts, they use the ITE Land Use Category for Fast Food with a Drive-thru and it's based on the building area. Mr. Harter said they are using the gross floor area to calculate the trip generation. Mr. Strollo said that the lack of truthful reporting about the real numbers, in his opinion, is a problem and he thinks needs to go back to the State of New Jersey. Mr. Harter replied that is not something that the NJDOT requested or needs to process a Letter of No Interest. Mr. Strollo asked Mr. Intindola for his comments. Mr. Intindola said that the project received a Letter of No Interest from the NJDOT based on a differential with the former diner (which occupied the site previously). Because of that, Chick-fil-A had to keep a certain number of seats inside so there can be a claim that it's a comparative use to what was there before. Mr. Intindola said that the gross floor area is the independent variable that is reviewed by the access code. Mr. Intindola said that the Borough's Ordinance states that a drive-thru is permitted provided the majority of business is conducted within the confines of the building. Mr. Intindola said the conundrum is in order to meet the demand that is there, the operations of the drive-thru include iPads that are geared up to do transactions. That would normally be done at one or two service windows. The applicant says that they did not increase the transactional area of the building which is a perfect scenario for the applicant. Mr. Intindola said that trip generation is limited because the site does not have enough site frontage along Route 17. The trip generation is a hard stop at 182. It's a calculation that accounts for the reaction time along the site frontage. Mr. Intindola said that the applicant has made the artful argument both in the original application and in this application, they are not touching the square footage, therefore, they are able to get a Letter of No Interest. Mr. Intindola asked Mr. Harter why wasn't the square footage of the outside patio area included in the gross

floor area. Mr. Harter said that the definition of the gross floor area that the ITE uses would not include the patio area. Mr. Intindola read the definition which says unenclosed roof over spaces, except those contained within the principal outside faces of the exterior walls. Mr. Whitaker suggested that the Board receive that clarification from the NJDOT. Mr. Hals commented that the Zoning Board had the same issues with this outside space. It was represented that the NJDOT agreed that this was considered outside space, however, the Board never received anything in writing from the NJDOT that this was considered outside space. Mr. Hals agreed with Mr. Whitaker and it would be best interest to the Board to get a written opinion from the NJDOT. Mr. Harter continued with the next exhibit.

PUBLIC QUESTIONS - None

Mr. Baker who was previously sworn in answered additional Board questions. Chairman Iorio stated his opinion regarding the bypass lane.

PUBLIC QUESTIONS - None

Mr. Whitaker said that the application will be carried to November 1, 2022. No new notices are required. Councilwoman Cusick commented that she would like to see the delineators shown on the plan, clarification from the NJDOT if the gross floor area of the outside patio should be included and the percentage of mobile orders, drive-thru orders and in restaurant orders.

Committee Reports:

Subdivision Committee: Nothing to report

Application Review Committee: Nothing to report

Finance Committee: Vouchers/Performance Bonds/Letter of Credit: Nothing to report

Master Plan & Zoning Committee: Nothing to report

Procedures Committee: Nothing to report

Capital Improvement & Public Lands: Nothing to report

RESOLUTION(S) - None

NEW BUSINESS - None

OLD BUSINESS - None

ADJOURNMENT

A motion was made by Mr. Carey, seconded by Councilwoman Cusick to adjourn the regular meeting at 10:06 P.M.