



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
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To: Montgomery Township Zoning Board of Adjustment

From: Michael Sullivan, ASLA, AICP
Emily Goldman, PP, AICP

Re: **Montgomery 206 Realty (Dunkin')**
Conditional Use + Amended Preliminary and Final Site Plan
Route 206 & Route 518
Block 28005, Lot 64
HC Highway Commercial District

Date: August 13, 2021, last revised September 23, 2021

1. Project & Site Description

1.1. **Nature of Application.** The applicant is seeking amended preliminary and final site plan approval for construction of an 1,830 square foot Dunkin' Donuts restaurant, including a drive-through facility, on a 0.52 - acre property. The property (Block 28005, Lot 64) is located in the Highway Commercial district at the northwest quadrant of the NJSH Route 206 and County Route 518 intersection.

Variances for Conditional Use Standards Necessary. The site plan, along with variances for deviations from standards relating to a conditional use (drive-through), was approved in 2015. The current plan amendment reflects changes to the site's configuration of vehicular access necessitated by review of the County and NJDOT. These changes are reflected in the placement of the building, driveways, signs, drive-through stacking locations, retaining walls and plantings. The degree to which the plans represent changes in vehicular access and screening of drive-through elements (both of which constitute standards relating to this conditional use) suggests that the Board of Adjustment may consider, anew, variances from those standards. As such, the Board should determine if the plans exhibit substantial changes to the vehicular circulation and access and the plantings/buffering; and if these changes are substantial enough to require a renewed consideration of the previously granted d(3) conditional use variance, specifically as it relates to the consideration of direct highway access and the degree to which drive-through elements are visually-screened through plantings.

John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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- 1.2. In addition to the proposed building, the applicant is proposing 11 off-street parking spaces. The drive-through facility includes two (2) ordering lanes with stacking for 16 vehicles, which merge to a single window, and a vehicular bypass lane. The project also includes menu boards, lighting, landscaping, retaining walls, and sidewalks.
- 1.3. Site access is proposed as a right turn only from State Route 206 and a full ingress from County Route 518. Egress from the site will be from a right turn only onto County Route 518. A one-way bi-pass lane is proposed adjacent to the drive through lane along the northern and western property lines. Two-way circulation is proposed in the vicinity of the proposed onsite parking.
- 1.4. Right-of-way dedication will be provided at the corner of Routes 206 and 518 and along the Route 518 frontage. The dedication area is 392 square feet and it will reduce the lot area from 0.5197 to 0.5107 acres.
- 1.5. The proposed building is 1½ story, side-gabled, fiber cement lap siding structure. The main entrance is on the southerly façade facing Route 518 and is emphasized by a gable and a cupola. The easterly façade facing Route 206 includes large windows on the southeasterly corner. There is a stone or masonry water table, and the roof is charcoal black asphalt shingle. The west elevation has a drive-through window towards the center of the facade. At the rear of the proposed structure, there is a flat roof with a “screening fence” for roof-top equipment. The main entrance and drive-through window are shaded by metal canopies with exterior illumination.



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Aerial Location Map

1.6. All existing improvements are proposed for removal. The site was formerly used as a retail gasoline dispenser/ automobile service station and is currently occupied by a small building, concrete pad and pump islands. The gas pumps and underground storage tanks associated with the prior use were removed in 2004. NJDEP issued a No Further Action (NFA) letter on August 1, 2006, which indicates no further site remediation is necessary. The applicant is also proposing to eliminate the existing vehicle access to the adjacent restaurant's parking lot.



Existing Improvements

1.7. All existing vegetation is proposed for removal. The existing vegetation includes mature trees at the rear of the site, limited cultivated plants from the former use, and a variety of herbaceous and woody species established after closing of the



former use – many of which are invasive. According to the documentation provided, the site contains no freshwater wetlands or transition areas, flood hazard areas, steep slopes or critical wildlife habitat.

- 1.8. The site is entirely surrounded by nonresidential uses in the HC district. West of the site, along County Route 518, is a commercial building, with residential and agricultural uses located further west along Route 518. North of the site, along Route 206 is the Tiger's Tale, a full service restaurant/bar with the Village Walk shopping center further north. East of the site, directly across Route 206 is a Wawa convenience store with additional commercial uses leading to the historic village of Rocky Hill. South of the site, directly across Route 518 is an Amboy Bank with the approved Montgomery Promenade beyond.

2. Project History

- 2.1. Pursuant to Resolution No. 06-2015, dated September 22, 2015, the Zoning Board approved a conditional use variance and preliminary and final site plan approval with bulk variances and design exceptions for an 1,880 square foot Dunkin' Donuts restaurant with a drive-through.

- 2.2. The following bulk variances were previously approved by the Board:

- Sec. 16-4.12(d) lot area
- Sec. 16-4.12(d) rear yard setback
- Sec. 16-4.12(d) impervious cover
- Sec. 16-4.12(d) lot width
- Sec. 16-4.12(e)(5)(a) visual breaks
- Sec. 16-4.12(e)(5)(b) wall offsets
- Sec. 16-4.12(e)(5)(c) street frontage design
- Sec. 16-4.12(e)(5)(d) side and rear façades
- Sec. 16-4.12(e)(6)(b) roof treatment
- Sec. 16-4.12(e)(6)(c) articulated cornice
- Sec. 16-4.12(e)(7)(b) window design
- Sec. 16-4.12(e)(8)(b) mechanical equipment
- Sec. 16-4.12(f)(1) cross access
- Sec. 16-4.12(f)(3) landscape area
- Sec. 16-4.12(f)(4)(a) parking setback to any street
- Sec. 16-4.12(f)(5) parking setback to any other property line
- Sec. 16-4.12(f)(5) driveway setback to any street or any other property line
- Sec. 16-4.12(f)(5) other structures setback to any street or any other property line



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Sec. 16-4.12(h) loading space
Sec. 16-4.12(i) menu board signs

- 2.3. The Board also previously approved a design exception from Section 16-5.4(b)(2)(c) illumination levels.
- 2.4. The Board's approval was subject to no left turn onto County Route 518 and the installation of ADA-compliant sidewalks along the Route 518 and Route 206 frontages.
- 2.5. On November 6, 2015, Montgomery 206 Realty filed a Complaint in Lieu of Prerogative Writs challenging the Board's no left-turn condition. Judge Miller allowed the parties to carry the matter pending the New Jersey Department of Transportation ("NJDOT") review of Montgomery 206 Realty's application for a Major Access Permit (the "Access Application").
- 2.6. On June 8, 2016, Montgomery 206 Realty submitted a pre-application plan to NJDOT to request a meeting. At the pre-application meeting, Montgomery 206 Realty was informed that Montgomery Promenade was constructing a jug handle to allow travelers along Route 206 southbound to make a turn onto County Route 518; thereby eliminating the need for a left turn movement out of the Montgomery 206 Realty property to Route 206. Montgomery 206 Realty was also told by Richard Dube, the former Director of NJDOT Major Access Permits, since Montgomery Promenade had posted bonds for the construction of the Promenade, the NJDOT would analyze the Route 206/Route 518 intersection "as though those improvements had been constructed", consistent with NJDOT regulations.
- 2.7. Montgomery 206 Realty submitted the Access Application to NJDOT on August 18, 2016. NJDOT requested additional information on September 22, 2016 in order to deem the application complete. Montgomery 206 Realty submitted the additional information on September 26, 2016 and the application was deemed complete on September 28, 2016.
- 2.8. On December 8, 2016, Montgomery 206 Realty received a letter from NJDOT stating the Access Application cannot be approved unless significant revisions are made to the plan. Montgomery 206 Realty received additional comments from NJDOT on August 30, 2017 seeking further significant revisions. Montgomery 206 Realty submitted revised plans in response to the NJDOT comments on May 18, 2018.



- 2.9. On October 4, 2018, NJDOT issued a review memo that indicated that the Division of Major Access Permits will not approve any capacity analysis that reflects improvements not started or completed by another access project. The NJDOT memo also indicated that a letter from Somerset County allowing a left turn from Route 518 onto the subject site shall be provided.
- 2.10. Montgomery 206 Realty met with NJDOT on November 7, 2018 at which point the NJDOT states that the Montgomery Promenade roadway improvements must be installed which is a reversal of the NJDOT's prior position.
- 2.11. On December 19, 2018, the NJDOT issued a letter that stated if Montgomery 206 Realty wants to open before the Montgomery Promenade roadway improvements are completed, the plans must be revised to recognize the existing roadway system.
- 2.12. On February 10, 2020, Montgomery 206 Realty submitted revised plans to NJDOT. On August 10, 2020, NJDOT indicated approval was possible with an ingress only driveway from Route 206.
- 2.13. As a result, the applicant has submitted this application for amended preliminary and final site plan approval.

3. Use and Bulk Standards

- 3.1. **Permitted Uses.** The application is in compliance. The HC district, pursuant to §16-4.12(a), permits a variety of uses, including but not limited to retail sales, banks, restaurants and shopping centers. As such, the proposed restaurant is a permitted principal use. However, the proposed drive-through facility is a conditional use pursuant to §16-4.12(b).
- 3.2. **Conditional Use Standards for Drive-Through Facilities.** *The Board should determine if the plans exhibit substantial changes to the vehicular circulation and access and the plantings/buffering; it and if these changes are substantial enough to require a renewed consideration of the previously granted d(3) conditional use variance, specifically as it relates to the consideration of direct highway access and the degree to which drive-through elements are visually-screened through plantings.* Section 6-6.1(m) identifies four (4) conditions for a restaurant drive-through window. The application does not comply with three out of these four conditions. Variances are



required pursuant to N.J.S.A. 40:55D-70.d(3). Each of these conditions, and the applications level of compliance, is identified below.

- a) *A drive-through window for a restaurant shall be permitted only if the subject restaurant is part of a shopping center or is otherwise associated with a shopping center with direct vehicular access thereto;*

The proposed restaurant still is not part of a shopping center and therefore does not meet this condition. The Board previously granted variance relief for this standard. *No additional relief is required.*

- b) *A drive-through window for a restaurant shall be permitted only if the subject restaurant does not have direct driveway vehicular access to a public street;*

The proposed restaurant will still have direct driveway vehicular access to Routes 206 and 518; however, the configurations of the direct access have changed since the prior approval. The Board previously granted variance relief for this standard to allow “right-in/right-out” driveway from Route 206 and a “full ingress/right-out” driveway from Route 518. The amended application has been updated based on comments from NJDOT such that there is a “right-in” driveway only on Route 206. The applicant’s initial amended submission had a one-way circulation pattern with the drive through window on the southerly façade; thus necessitating a customer using the drive through to drive around the entire site to exit. Pursuant to an August 25, 2021 meeting, the applicant has reduced the number of parking spaces from 16 to 11 and has shifted the drive through such that the stacking lanes are along the eastern and northern facades and the drive through window is on the western façade. This allows for two-way circulation in the vicinity of the parking spaces with a one-way bypass lane adjacent to the drive through along the northerly and westerly property lines. The new circulation pattern allows customers utilizing the drive through to exit the site without having to drive around the entire site again. The new proposed onsite circulation pattern is substantially similar to the circulation pattern that was previously approved by the Board except for the change to the Route 206 entrance required by the NJDOT. This office defers to the Board’s Traffic Engineer as to the traffic impacts resulting from the “right-in” only access from Route 206. *The Board should examine these changes and their impacts in order to consider whether new relief should be granted from this standard.*



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- c) *A drive-through window for a restaurant, accompanying driveway, and associated signage shall be set back a minimum distance of five hundred (500) feet from any lands zoned for residential development;*

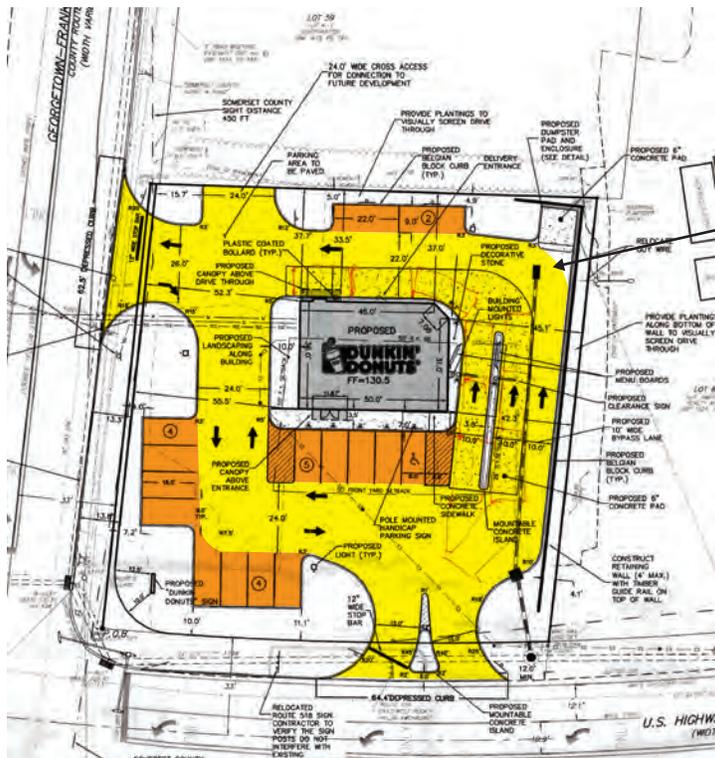
The site is more than 550 feet from the nearest residentially zoned lands. *The application complies with this standard.*

- d) *A drive-through window for a restaurant and associated signage shall be provided landscaping to visually screen the window, signage and driveway from adjacent properties.*

While screening is proposed along the site's boundaries, the drive-through window, signage and driveway will be visible from adjacent properties. The Board previously granted variance relief for this standard; however, the Landscape Plan has changed since the prior approval.

The applicant has removed the approved buffer planting along the western lot line and the southern lot line. Despite shifting the retaining wall 6-feet from the property line, the applicant is proposing lawn instead of plantings along the outer side of the wall. The applicant should provide testimony as to why lawn is proposed instead of plantings. Moreover, the applicant has removed the potential future connection to the property to the west, and instead, has identified has added some golden ragwort, green velvet boxwood and Hamelin dwarf fountain grass. The applicant is continuing to propose a small planting bed adjacent to the trash enclosure and has added a row of golden ragwort and green velvet boxwood along the Route 518 frontage. While the applicant is not proposing to maintain the existing vegetation on the neighboring property to the west, they are not proposing plantings along the majority of the westerly lot line to adequately screen the drive through window.

Some additional plantings adjacent to the ingress drive from Route 518 have been added, but these are not sufficient to satisfy this standard. *The Board should examine these changes and their impacts in order to consider whether relief should be granted from this standard.*

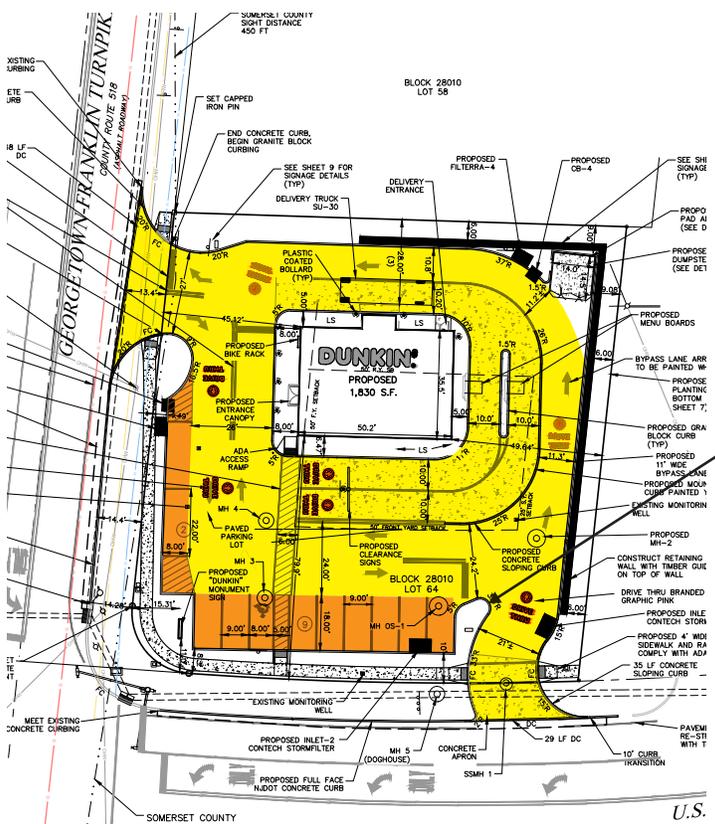


APPROVED CIRCULATION ROUTES

LEGEND

- VEHICLE ACCESS
- OFF-STREET PARKING

2015 APPROVED SITE PLAN



AMENDED CIRCULATION ROUTES

LEGEND

- VEHICLE ACCESS
- OFF-STREET PARKING

2021 PROPOSED SITE PLAN



N.T.S.

MONTGOMERY 206 REALTY (DUNKIN')

Circulation & Parking Changes

Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Montgomery Township, Somerset County, New Jersey

DATE:
 September 2021



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- 3-3. **Area & Yard Requirements.** There are six (6) area and yard requirements that the proposal does not meet. The Board previously granted variance relief for one of the requirements; variance relief is necessary for five (5) nonconforming characteristics described in more detail below. See the following table for additional detail on the applicant’s compliance with the area and yard requirements for individual uses.

| HC District Area & Yard Requirements: §16-4.12.d. (Individual Uses) | | | | | | | |
|---|----------------|-------------------|---------------------|---------------------|--------------------|---------------------|----------------|
| | Required | Existing | Previously Approved | | Proposed Amendment | | Variance ? |
| | | | Pre ROW Dedication | Post ROW Dedication | Pre ROW Dedication | Post ROW Dedication | |
| Min. Lot Area | 1.0 ac | 0.5197 ac. | 0.5197 ac. | 0.5107 ac. | 0.5197 ac. | 0.5107 ac. | Yes (1) |
| Min. Lot Frontage | 150 ft. | 150.16 ft. | 150.16 ft. | 148.16 ft. | 150.16 ft. | 147.58 ft. | Yes |
| Min. Lot Width | 150 ft. | 150.16 ft. | 150.16 ft. | 148.16 ft. | 150.16 ft. | 147.58 ft. | Yes |
| Min. Lot Depth | 150 ft. | 151.59 ft. | 151.59 ft. | 151.59 ft. | 151.68 ft. | 151.68 ft. | No |
| Min. Front Yard | 50 ft. | 61.55 ft. | 54.3 ft. | 52.3 ft. | 47.1 ft. | 45.1 ft. | Yes |
| Min. Side Yard | 25 ft. | 38.5 ft. | 42.3 | 42.3 | 49.6 ft. | 49.6 ft. | No |
| Min. Rear Yard | 50 ft. | 49.3 ft. | 33.5 ft. | 33.5 ft. | ± 31.2ft. | ± 31.2ft. | Yes |
| Max. Impervious Cover | 55% | 73.1% | 74.7% | 77.9% | 80.6% | 81.3% | Yes |
| Max. Building Height | 30 ft. | <30 ft. | 29.1 ft. | 29.1 ft. | 28 ft. | 28 ft. | No |
| Max. Floor Area Ratio | 0.20 | 0.063 | 0.08 | 0.09 | 0.081 | 0.082 | No |

(1) Variance relief previously granted pursuant to Resolution No. 06-2015

- 3-4. **Lot Frontage and Lot Width.** *Variance relief is required.* The Board previously granted variance relief for a lot frontage and lot width of 148.16 feet. The applicant previously proposed a lot frontage and width of 143.46 feet but is now proposing a lot frontage and lot width of 147.53 feet. The applicant should provide testimony



to indicate if the area of the right-of-way dedication was revised in order to increase the lot frontage and width from what was identified on the Site Plans, last revised May 20, 2021. Nonetheless, the applicant is proposing to increasing the intensity of relief needed from what was previously granted.

- 3-5. **Front Yard Setback.** *Variance relief is required.* Section 16-4.12(d) requires a minimum front yard setback of 50 feet. The amended site plan has reduced the building setback from 52.3 feet to 45.1 feet from County Route 518.
- 3-6. **Rear Yard Setback.** *Variance relief is required.* Section 16-4.12(d) requires a minimum rear yard setback of 50 feet. The Board previously granted variance relief for a rear yard setback of 33.5 feet. This office scaled the proposed rear yard setback as approximately 31.2 feet; therefore, it appears that the proposed application decreases the rear yard setback. Therefore, the applicant is increasing the intensity of relief needed.
- 3-7. **Impervious Cover.** *Variance relief is required.* The Board previously approved variance relief for an impervious cover of 77.9%. The applicant previously proposed an impervious cover of 84.4% and is now proposing an impervious cover of 81.3%. The deviation from the maximum permitted impervious cover is substantial as 55% is the maximum permitted. The proposed impervious cover is 8.2% greater than the existing condition of 73.1%.

4. Parking, Loading & Circulation

- 4-1. **Cross Access.** *Pursuant to Resolution No. 06-2015 the Board previously granted variance relief for this non-conformance.* Section 16-4.12(f)(1) states driveways providing vehicular access between adjacent properties shall be required, where feasible. The applicant is still proposing to eliminate access to the lot north of the site (Tiger's Tale), which has



its vehicular/parking/loading access abutting the subject property. Pursuant to Condition C of Resolution No. 06-2015, the applicant will work with the owner of Lot 59 to establish a mutually agreeable access point for an interconnected



driveway. The Amended *Site Plans* no longer identify a possible future connection to Lot 59. Instead the Amended *Site Plans* propose plantings where the possible future connection was previously identified.

- 4.2. **Parking Setback to any Street Line.** *Variance relief is required.* Section 16-4.12(f)(5), requires a 25-foot setback from the street line for parking, loading, driveways and all other structures. Furthermore, these setback areas shall be planted. The Board previously granted variance relief for parking 4 feet from Route 518 and 10 feet along Route 206 whereas the applicant is now proposing setbacks of approximately 4 feet and 8.3 feet, respectively. While the applicant is maintaining the situation along Route 518; they are intensifying the situation along Route 206. Therefore, new variance relief is required.
- 4.3. **Structure Setback to any Lot Line.** *Variance relief is required.* Section 16-4.12(f)(5), requires a 15-foot setback from the property line for parking, loading, driveways and all other structures. Furthermore, these setback areas shall be planted. The parking, drive aisle, and retaining walls also violate these setback requirements. The Board previously granted variance relief for retaining walls, the structures closet to the north and west property lines, with setbacks of 4.1 feet and approximately one (1) foot, respectively. The applicant is now proposing setbacks of 6 feet and 6 feet, respectively. While the applicant is improving the situation along the northerly and westerly lot lines; they still do not comply with the ordinance requirements. Therefore, new variance relief is required.
- 4.4. **Off-Street Parking.** The applicant is proposing 11 off-street parking spaces. The number of spaces greatly exceeds the minimum required parking pursuant to Section 16-4.12(g)(2). This section requires one (1) parking space to be provided for each three (3) seats. At 14 proposed seats, five (5) parking spaces are required.

The provision of 6 additional parking spaces, above and beyond what is required seems illogical in the face of a) the request for a variance for impervious coverage b) the degree to which the site may be overburdened by the function of the drive-through facility and c) the constricted parking lot conditions wherein trucks would have to operate. Furthermore, the applicant cannot meet the landscape area, buffer, tree planting, street tree, and parking lot planting requirements due to the excessive parking. However, as a result of the August 25, 2021 meeting, the applicant has revised the circulation, the number of seats within the restaurant and reduced the number of parking spaces from 17 to 11. As such, the applicant was able to reduce the amount of proposed impervious coverage and increase the number of plantings.



- 4.5. **Loading Space.** Pursuant to Resolution No. 06-2015 the Board previously granted variance relief for this non-conformance. Section 16-4.12(h)(1) requires one (1) loading space to be provided at the side or rear of the building. No loading space is proposed.
- 4.6. **Drive-through Stacking.** The proposal includes the space needed to stack 16 vehicles within the drive-through lanes. Adequacy of the proposed stacking capacity is, in part, dependent on the ability of motorists to exit the drive-through after their purchase. The revised site plan that allows for customers within the drive through to immediately exit the site onto Route 518 greatly improves the prior design whereas drive through customers would have been required to circulate around the building in its entirety to exit the site. Additional comments are deferred to the Board Engineer.
- 4.7. **Bike Rack.** The applicant has added a bike rack to the plans pursuant to Condition I of Resolution No. 06-2015. The proposed style of bike rack is not the easiest style to lock bikes to. This office recommends the applicant change the style of the bike rack to a series of five (5) upside-down u-brackets.

5. Landscape Design and Plantings

The applicant is proposing to over-park the property; thus reducing the applicant's ability to comply with the Township's landscape area, buffers, tree planting, street tree, and parking lot planting requirements. The following includes a review of basic dimensional regulations; however, the technical review of plantings is deferred to the Board Landscape Architect.

- 5.1. **Landscape Area.** Variance relief is required. Section 16-4.12(f)(3) requires a minimum of 45% of a lot to be planted with grass, shrubs, and trees. The Board previously granted relief for a minimum of 22.1% of the lot landscaped. The application requires new relief from this item as the proposed impervious cover is 81.3%. The exact area of "landscape" should be provided to the Board so that the deviation from the standard may be assessed in terms of the criteria for granting such relief.
- 5.2. **Tree Planting.** A design exception is required. Section 16-5.6(d)(3) requires "a minimum of fourteen (14) trees per acre shall be planted on nonresidential tracts. Any trees provided to meet the required street tree and/or buffer requirement shall not be



counted towards the minimum tree requirement". At 0.5107 acres after the right-of-way dedication, this section requires a total of 7 (0.5107 x 14 = 7.15) trees to be planted on the site. The applicant is proposing 2 shade trees on site that are not street trees.

- 5.3. **Street Trees. A design exception is required.** Section 16-5.6(d)(15) requires street trees at 50 foot intervals. The applicant has proposed four trees, two along the Route 206 frontage and two along the Route 518 frontage. The proposed parking setbacks prevent compliance with this item and as such, relief is necessary.
- 5.4. **Parking Lot Plantings. A design exception is required.** Section 16-5.8(a)(3) requires an area equivalent to one (1) parking space planted for every 30 vehicle spaces. The planted area(s) shall consist of approximately half having shrubs no higher than three (3) feet and the other half having trees with branches no lower than seven (7) feet. Additionally, the planted areas shall be distributed across the site and shall break the view of parked vehicles. At 11 proposed parking spaces, the applicant must provide one (1) of these planted spaces. The parking spaces are distributed within two locations on the site comprised of two parallel spaces along the southern lot line, and nine spaces along the eastern lot line. While a shade tree and freestanding sign are proposed between the spaces along the lot lines to visually break the view of the parked cars; the equivalent of one (1) parking space of plantings has not been provided.

6. Lighting

The Lighting Plan has not been updated to reflect the changes to the site plan. The applicant shall submit a revised Lighting Plan for review and approval.

- 6.1. **Light Fixtures.** The application is in compliance. The applicant is proposing light fixtures with an 18.89-foot height, which meets the maximum height specified in Section 16-5.4(b)(2)(a).
- 1.1. **Light Fixture Design. Additional information is required.** Section 16-5.4(b)(2)(b) requires "non-glare lights' with 'cut-off shields". The applicant is proposing LED roadway luminaires that are non-glare, but not full cutoff for light fixture types. The applicant should provide testimony and catalog cut sheets to demonstrate compliance with Section 16-5.4(b)(2)(b) that requires "non-glare lights" with "cut-off" shields and to otherwise validate the proposed lighting plan. Catalog cut



sheets should also be provided for any wall mounted and site lighting fixtures on or adjacent to the building.

- 6.2. **Light Intensity.** *Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance.* Section 16-5.4(b)(2)(c) states “the light intensity provided at ground level shall be indicated in footcandles on the submitted plans for each light fixture and shall average not less than ... three-tenths (0.3) footcandles elsewhere in the area to be illuminated, and shall average, in any case, not more than one (1.0) footcandle throughout the area to be illuminated.” The Illumination Summary on Sheet 8 indicates an average of 1.1 footcandles within the parking lot and 0.2 footcandles at the property line.
- 6.3. **Uniformity.** *Additional information is required.* While the Township ordinance does not address uniformity, it is recommended that the lighting plan be revised to provide more uniform light distribution. The lighting plan should meet the uniformity recommendations of the Illuminating Engineering Society of North America (IESNA) for maintained illuminance values for “basic” parking lots. These standards include a maximum / minimum uniformity ratio of 20:1. The lighting plans indicate a maximum / minimum uniformity ratio of 102.0: 1; the applicant should confirm this figure.
- 6.4. **Lighting Control.** *Additional information is required.* Section 16-5.4(b)(2)(d) states “except for any lighting determined by the Planning Board to be necessary and/or advisable for security purposes, all other lighting is to be controlled by circuit timers so that the lights are automatically turned off after business hours.” Lighting Note #8 on Sheet 8 indicates outdoor illumination shall be on from dusk to dawn utilizing photometric controls based on operating hours. The applicant should provide testimony indicating if all site lighting will be on from dusk to dawn or only certain lights for security purposes.
- 6.5. **Sign Illumination.** *Additional information is required.* Section 16-5.4(d)(6)(b) requires the “lights to be focused directly and completely onto the sign face, with appropriate and necessary shielding on the top, sides, and if necessary, bottom of the fixture to prevent any sight of the light source from any street, sidewalk or neighboring property.” This section also limits exterior sign lighting to 100 watts and states mercury vapor lighting is prohibited. Furthermore, Section 16-5.4(d)(6)(c) limits sign lighting to a maximum of one (1) foot candle at a distance of two (2) feet from the sign surface. The sign details on Sheet 9 of the *Site Plans* indicates the freestanding sign and two of the wall mounted signs will be externally illuminated. Additionally, the menu sign details on Sheet A3.0 of the *Architectural*



Plans indicate they will be illuminated by LED lights. The applicant should provide information on the proposed sign illumination. This information should include, but not limited to, specifications for the proposed fixtures and their compliance with applicable sections of the ordinance.

7. Building Design

- 7.1. **Building Entrance.** The application is in compliance. Section 16-4.12(e)(4) requires that building entrances be articulated using building elements and that any such element be compatible with the style, materials, etc. of the overall building. The main entrance of the proposed building has been shifted to the southerly façade facing Route 518 pursuant to the August 25, 2021 meeting. It is articulated with a canopy, a glass transom, and sidelights. In addition, the overall composition of the façade emphasizes the entrance with a gable and a roof-top cupola. Although the entrance door itself does not have much detail, the overall entrance articulation is in keeping with the character of the rest of the proposed structure and meets the intent of the standards.

It should be noted that the easterly façade facing Route 206 has been modified such that large windows are proposed in the southeasterly corner of the building and the remaining façade is blank walls. However, a gable roof is still proposed over the central portion of the façade which emphasizes a blank wall. This office recommends that the gable roof line be shifted to the southeasterly corner of the building over the large windows to further emphasize the main entrance and customer accessible portion of the building. This office further recommends a hip roof line along the northern façade to further emphasize the main customer portion of the building.

- 7.2. **Visual Breaks.** Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance. Section 16-4.12(e)(5)(a) requires building exteriors to have vertical and/or horizontal offsets to create visual breaks along each façade. Similarly, Section 16-4.12(e)(5)(b) states building wall offsets, including projections such as balconies and canopies, recesses and changes in floor levels, shall be used to add architectural interest and variety. The central gable provides some articulation at the eastern façade; however, the overall effect is quite flat. This office recommends that the gable roof line be shifted to the southeasterly corner of the building over the large windows to further emphasize the main entrance and customer accessible portion of the building. This office



further recommends a hip roof line along the northern façade to further emphasize the main customer portion of the building.

- 7.3. **Street Frontage Design.** Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance. Section 16-4.12(e)(5)(c) states buildings with more than one street frontage shall be designed to have a front façade facing each frontage, and where a building faces a driveway, the building shall also have a front façade facing the driveway. The proposed building has frontage on and is accessible from Route 206 and Route 518; however, only the façade facing Route 518 is designed as a front façade. The easterly façade facing Route 518, would benefit from shifting the gable to the southeasterly corner to highlight the main customer portion of the building and a hip roof line along the northern façade such that the roof line is angled instead of flat. The applicant should also continue the stone water table on the portion of the easterly façade below the “Montgomery Dunkin” sign.
- 7.4. **Side & Rear Facades.** Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance. Section 16-4.12(e)(5)(d) requires the architectural treatment of the front facades to be continued in its major features around all visibly exposed sides of a building and Section 16-4.12(e)(5)(g) requires dormers, gables, windows, and other similar design features to be provided across a building façade. The side and rear facades are designed with the same colors and materials of the front façade (consistent with Section 16-4.12(e)(5)(e)). However, as noted above, the addition of a hip roof line on the northerly facade would make the building more architecturally appealing.
- 7.5. **Building Materials.** The application is in compliance. Section 16-4.12(e)(5)(f) recommends natural materials, such as wood and masonry. The proposed building is largely fiber cement lap siding with a stone or masonry water table with a cap. This meets the intent of the requirement. Orange metal canopies are proposed over the main entrance and the drive-through window.
- 7.6. **Roof Treatment.** Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance. The applicant should confirm compliance with Section 16-4.12(e)(6)(b) and (c). These items require pitched roofs to have a minimum of five to twelve pitch, that all roofs shall provide overhanging eaves that extend a minimum of one foot beyond the building wall along all sides of the building, and that buildings with flat roofs have an articulated cornice that projects horizontally from the vertical wall. It appears that



the proposed design meets these requirements; however, the applicant should confirm with testimony.

- 7.7. **Window Design.** Pursuant to Resolution No. 06-2015 the Board previously granted design exception relief for this non-conformance. Section 16-4.12(e)(7)(b) requires the first story façade of retail, office and restaurant buildings which face a street and/or has a pedestrian access shall have large pane display windows which occupy at least 75% of the first story façade. The Route 206 and Route 518 facades do not meet this guideline. The applicant should provide the percentage of openings on the front and side facades.

This section goes on to state the area of actual windows may be reduced by the Board in consideration of the needs of a particular use or for security purposes. However, where smaller windows are permitted, the design of the facade must include materials outlining the size of the windows equivalent to seventy-five (75%) percent of the first story facade, within which the permitted smaller windows can be located.

- 7.8. **Mechanical Equipment.** The application is in compliance. Section 16-4.12(e)(8)(b) requires mechanical equipment serving the building to be screened from public view. The southwest elevation on Sheet A2.0 of the *Architectural Plans* indicates the screen fence over the rear, flat roof does hide the roof-top equipment.

8. Signs

- 8.1. **Freestanding Sign.** One freestanding sign is proposed at the intersection of Routes 206 and 518. The freestanding sign is comprised of a cultured stone base and the business sign is placed on white fiber cement panel and externally illuminated. The sign area is 8.58 square feet and the height of the freestanding sign structure is 7 feet 8 inches. As such, the sign meets the area and height requirements in Section 16-4.12(i)(a). Additionally, the proposed sign's setback of 11 feet to the property line is conforming with Section 16-4.12(i)(a).
- 8.2. **Principal Wall Signs (Number).** The application is in compliance. Pursuant to Section 16-4.12(i)(b), one principal wall mounted sign is permitted. One principal wall mounted sign facing Route 206 is proposed.
- 8.3. **Principal Wall Signs (Area).** The application is in compliance. Pursuant to Section 16-4.12(i)(b), the size of the principal attached sign "shall not exceed ½



square foot of sign area per one linear foot of building façade fronting on a street ..., but in no case ... exceed 50 square feet in area.” The area of the principal attached sign is 17.58 square feet; whereas a maximum of 17.75 square feet (1/2 square feet x 35.5 linear feet = 25 square feet) is permitted along the Route 518 facade.

- 8.4. **Secondary Wall Signs (Number).** *Variance relief is required.* Pursuant to Section 16-4.12(i)(c), one secondary wall mounted sign is permitted on a corner lot. Two building mounted signs are proposed facing Route 206.
- 8.5. **Secondary Wall Signs (Sign Area).** The application is in compliance. Pursuant to Section 16-4.12(i)(c), the size of the secondary attached sign for a corner lot “*shall not exceed ½ square foot of sign area per one linear foot of building façade fronting on a street ..., but in no case ... exceed 20 square feet in area.*” The eastern façade is 50 linear feet; therefore, the maximum permitted sign area is 25 square feet (1/2 square feet x 50 linear feet = 25 square feet). One proposed sign is 12.5 square feet and the other is 12.5 square feet. As such, the applicant is proposing a total of 25 square feet of sign area on the southern façade.
- 8.6. **Wall Signs (Projection).** The application is in compliance. Section 16-5.13(d)(1) states attached signs shall not project more than six (6) inches from the building. The wall sign details indicate the signs will project a maximum of five inches from the building.
- 8.7. **Menu Board Signs.** *Pursuant to Resolution No. 06-2015 the Board previously granted variance relief for this non-conformance.* Two (2) menu boards are proposed along the north side of the building. Such signs are not permitted in the HC district and thus require variance relief.
- 8.8. **Animated Sign.** *Additional information is required.* Section 16-5.13(e)(1) prohibits animated, moving, fluttering and illusionary signs or rotating signs or signs using mechanical or electrical devices to revolve, flash or display movement, intermittent illumination or the illusion of movement. The menu sign detail on Sheet A3.0 of the Architectural Plans indicate the signs will have two digital menu boards. The applicant should provide testimony as to if the menu will change messages, have the ability to flash and display movement or have the ability to flash and display movement. If the menu signs will have the ability to do any of these features, then a d(1) use variance is required.
- 8.9. **Directional Signs.** *Variance relief is required.* Section 16-5.13(f)(6) permits information, directional and warning signs provided they do not exceed two (2)



square feet in area. The front view of the “Dunkin” directional signage identified on Sheet 9 of the *Site Plans* are 2.75 square feet in area each. The applicant should identify the area of the side view of the “Dunkin” directional signs. Based on the *Signage Plan*, there are four such directional signs proposed onsite.

9. Miscellaneous Site Plan Elements

- 9.1. **Trash Enclosure.** The proposed trash enclosure is located in the northeast corner of the site and will be visible from, both, Route 206 and Route 518. Three sides of the enclosure are split face CMU block and the gate is fypon lumber. The CMU block wall should match the stone or masonry water table of the principal building. The fypon lumber gate is not a durable material and is inconsistent with the site’s other proposed building materials. It should be replaced with a more durable material and the color should match the principal building.
- 9.2. **Fence and Wall Height.** *Variance relief is required.* Section 16-5.3(b) states “*on any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over four feet in height in side, rear and front yard areas...*” The proposed trash enclosure fence is 6.25 feet in height and the retaining walls have a maximum height of 7.4 feet in the northwest corner of the property.
- 9.3. **Retaining Walls (Materials).** The proposed retaining wall is composed of standard “keystone” modular block; the specific block type and the color are not specified. It is recommended that the retaining wall be composed of poured concrete with a veneer of brick or stone that is complementary to the color and materials of the principal building. This change will improve the site’s aesthetics, as block typically has a utilitarian appearance, and will greatly reduce the potential for settling and movement, which is not uncommon in modular block retaining walls. Ultimately, this office defers to the Board Engineer on the structural aspects of the retaining wall.
- 9.4. **Noise.** The applicant should provide testimony and documentation on the anticipated sound from the drive-through facility. The additional information should indicate compliance with the State noise standards of 65 decibels at the property line of a commercial use or 50 decibels at the property line of a residential use (10pm to 7am).



- 9.5. **Headlight Glare.** The proposed drive-through will increase headlight glare at the Route 518 intersection. The applicant should provide testimony and any supporting documentation on how this additional glare will be mitigated.
- 9.6. **Soil Hauling. *Additional information is necessary.*** Section 16-5.6.c requires that *no soil shall be removed from or be imported to any site in excess of twenty (20) cubic yards per year without prior approval of the Board. For this purpose, a plan shall be submitted showing how the soil is to be distributed and stabilized including grading contours. If the soil is to be imported, a plan shall be submitted describing methodology and frequency of testing the soil to ensure its safe quality. The plan shall describe the size and number of vehicles that are proposed for hauling the removed or imported soil together with the hauling route.* The applicant should identify the amount of soil to be imported and/or removed from the site in order to construct the addition, as necessary.

10. Consideration of the “D” Variance

- 10.1. While this office defers to the Board attorney in advising the Board on the application of relevant variance criteria; this report identifies the “d” variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “d” variance.
- 10.2. For variances from the standards pertaining to a conditional use, the findings in the case, *Coventry Square v. Westwood Zoning Board of Adjustment*, are relevant to the manner in which the application should be considered. Rather than focusing on the use, the Board should focus on the specific deviations from the standards in contemplating the application, since the use itself has already been considered conditionally acceptable in the creation of the zoning requirements. In *Coventry Square*, the court held that the burden carried by the applicant with respect to the proofs set forth above is not as heavy as for that of a variance to allow a use that is not permitted in a particular zone. However, the burden of proof is not reduced to that required in a “C” variance situation.
- 10.3. Coventry Square also established the following methodology in the consideration of a conditional use variance:



MONTGOMERY 206 REALTY
AMENDED PRELIMINARY AND FINAL SITE PLAN

Clarke Caton Hintz

- a) The applicant should demonstrate the subject property remains suitable for the proposed use, as configured on the site plan, in spite of the proposed deviations from the conditional use standards.
- b) The applicant should demonstrate that the proposed deviations from the standards would not result in substantial detriment to the public good.
- c) The applicant should demonstrate that the proposed deviations would not significantly impair the intents and purposes of the zone plan or zoning ordinance.

10.4. **Consideration of the Positive Criteria.** The Supreme Court, in the Coventry Square case, defined criteria tailored specifically for conditional uses. Specifically, the Court stated the following in relation to the special reasons,

“We hold that proof of special reasons that must be adduced by an applicant for a “d” variance from one or more conditions imposed by ordinance in respect of a conditional use shall be proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant’s proposed site plan, continues to be an appropriate site for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. Thus a conditional-use variance applicant must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems.” Emphasis added.

- a) Following this logic, the Board should evaluate how the amended application for a drive-through facility for stand-alone use, rather than a use in a shopping center that is set back from the street, impacts access and on-site circulation. This should include adequacy of stacking and the ability of the drive-through to function properly given the proximity of the drive-through entrance’s and exit’s proximity to Routes 206 and 518, respectively. The undersized site area (.51 ac. versus the minimum lot area of 1.0 ac.) limits the ability to provide additional stacking or distance to surrounding roads.

Based on NJDOT comments, the Route 206 driveway was amended from a “right-in/right-out” driveway to a “right-in only” driveway. This change has caused the internal circulation to be one-way only since the only means of egress from the site is a “right-out” onto Route 518. Having the



only means of egress from the site as a “right-out only” only Route 518 could lead to potential illegal left-turns onto Route 518 from vehicles exiting the site.

The NJDOT also requested additional stacking capacity. As a result, the drive-through lanes are now proposed along three sides of the building instead of the previously approved two sides. The amended drive-through has two stacking lanes along the north and west façades of the building leading to the menu signs/order station before merging into one lane along the south façade of the building for customers to pay and pick up their orders. These changes have caused further reductions to the already inadequate buffers on site.

- b) Additionally, the Board should consider the drive-through’s impact on the applicant’s proposed relief from the front yard setback (45.3’ vs. 50’), rear yard setback (41.2’ v. 50’), maximum impervious cover (84.4% v. 55%), and buffers (0’ v. 15’). The drive-through significantly contributes to all of these relief items. Consider, for example, that without the drive-through there would be no need for three (3) vehicle lanes to traverse the north and west sides of the building and two (2) vehicle lanes to traverse the south side of the building. This reduced circulation area would permit parking to be relocated to areas outside of the buffers and for an expansion of buffer areas and therefore a reduction in impervious cover and an increase in the front and rear yard setbacks.
- c) The Board should also consider the visual impact of the drive-through window, signs and additional headlight glare given its proximity to the street and neighboring properties. The limited site area (.51 ac. versus the minimum lot area of 1.0 ac.) constrains the ability to provide additional screening or otherwise reconfigure the drive-through to reduce its visibility. The amended plan has eliminated the buffer along the western lot line completely and has reduced the buffer along the northern lot line to approximately two feet in width. The plants shown to be located there (arborvitae) requires a larger planting bed, as its mature width will be 5-6 feet in diameter or more. Therefore, this planting area would not appear to sustain the plantings shown and would not provide screening as required.

10.5. **Consideration of the Negative Criteria.** The Court went on to state the following in regard to the negative criteria,



“In respect of the first prong of the negative criteria, that the variance can be granted “without substantial detriment to the public good,” N.J.S.A. 40:55D-70, the focus is on the effect on surrounding properties of the grant of the variance for the specific deviations from the conditions imposed by the ordinance. “The board of adjustment must evaluate the impact of the proposed [conditional] use variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute ‘substantial detriment to the public good.’”...In respect of the second prong, that the variance will not “substantially impair the intent and purpose of the zone plan and zoning ordinance,” N.J.S.A. 40:55D-70(d), the board of adjustment must be satisfied that the grant of the conditional-use variance for the specific project at the designated site is reconcilable with the municipality’s legislative determination that the condition should be imposed on all conditional uses in that zoning district.” Emphasis added.

- a) In its consideration of the negative criteria, the Board should consider any impact on the public health safety and welfare from the addition of the drive-through. Such impacts include access, on-site circulation, aesthetics and noise. See the “Master Plan Policy” section (Section 12 herein) for impact the drive-through will have on the intent and purpose of the zone plan and zoning ordinance.

11. Consideration of the “C” Variances

- 11.1. The following sections summarize the “c” variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “c” variances. The applicant must justify the “c” variances separately and each variance must satisfy both parts.
- 11.2. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:



- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

- 11.3. **Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

12. Montgomery’s Relevant Land Use Policies

- 12.1. **Master Plan Goals.** The Township Master Plan includes several goals which are relevant to the Board’s consideration of this application. The following goals can be found on page 6 through 8 of the 2017 Master Plan Reexamination Report:

1. The Development Plan of Montgomery Township should maintain the continuity of the Township's planning process and build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.

Redevelopment of a vacant property is consistent with this goal. Furthermore, the Board previously granted a use variance for the proposal for a drive-through.

2. The identity of the Township as a totality and the integrity of individual neighborhood areas should be preserved, enhanced and created to the maximum extent possible.



4. *The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.*

The proposal is located in an area suitable for nonresidential development; however, the extensive relief requested for the excessive impervious cover, undersized setbacks and buffers, as well as other items, are inconsistent with zoning and design standards set forth that are intended make the district unique from other parts of the Township.

6. *Between the two (2) nodes of concentrated development along Route 206, referred to as the Rocky Hill node and the Belle Mead node, the Development Plan should continue to prevent the evolution of strip commercial uses along Route 206.*

8. *The principal retail shopping facilities within the municipality should be provided within proximity to the two (2) nodes of concentrated residential development in order to avoid the proliferation of vehicular shopping trips.*

The proposal to redevelop this vacant property is within the Rocky Hill node.

13. Materials Reviewed

- 13.1. *Montgomery Township Planning & Zoning Board Application* and related documents, dated July 19, 2013.
- 13.2. *Survey of Property*, 1 sheet, prepared by Ferriero Engineering, Inc., dated September 6, 2016.
- 13.3. *Amended Preliminary & Final Site Plans*, 13 sheets, prepared by Ferriero Engineering, Inc., dated February 25, 2021 and last revised September 15, 2021.
- 13.4. *Architectural Plans*, 4 sheets, prepared by GK&A Architects, PC, dated February 11, 2021 and last revised September 8, 2021.
- 13.5. *Rendering*, 1 sheet, prepared by GK&A Architects, PC, dated February 11, 2021 and last revised May 7, 2021.



- 13.6. *Project Description*, dated June 22, 2021.
- 13.7. *Resolution No. 06-2015*, dated September 22, 2015.
- 13.8. *Preliminary & Final Site Plans*, 12 sheets, prepared by Ferriero Engineering, Inc., dated December 23, 2014 and last revised June 8, 2015.

14. Applicant / Owner / Professionals

- 14.1. **Applicant / Owner**: Montgomery 206 Realty c/o Tony Nadar, 1714 Woodbridge Avenue, Edison, New Jersey. Email: tnadar18@gmail.com.
- 14.2. **Attorney**: Jeffrey B. Lehrer, Esq., 15 Mountain Boulevard, Warren, New Jersey 07059. Telephone: 908.757.7800 ext. 180. Facsimile: 908.757.8039.
- 14.3. **Engineer**: Paul Ferriero, PE, Ferriero Engineering, Inc. 180 Main Street, PO Box 571, Chester, New Jersey 07930. Telephone: 908.879.6209. Email: paul.ferriero@ferrieroengineering.com.
- 14.4. **Architect**: Cynthia Falls, AIA, GK&A Architects, 36 Arnes Avenue, Rutherford, New Jersey 07070. Telephone: 201.896.0333 ext. 18. Facsimile: 201.896.9469. Email: cfalls@gkanda.biz

15. Summary

- 15.1. The applicant is seeking amended preliminary and final site plan approval for construction of an 1,823 square foot Dunkin' Donuts restaurant, including a drive-through facility, along with 16 off-street parking spaces, plantings, retaining walls, lighting, signs, and other associated improvements.
- 15.2. Based on our initial review, the following variances and exceptions are required or may be required, depending on the additional information submitted by the applicant. The list is not exhaustive and may be augmented by analysis performed by other Board professionals.
 - a) D Variances
 - §6-6.1(m) Drive-Through Conditional Use



- b) C Variances
 - §16-4.12(d) Lot Frontage
 - §16-4.12(d) Lot Width
 - §16-4.12(d) Front Yard Setback
 - §16-4.12(d) Rear Yard Setback
 - §16-4.12(d) Impervious Cover
 - §16-4.12(f)(3) Landscape Area
 - §16-4.12(f)(5) Parking Setback to any Street Line
 - §16-4.12(f)(5) Structure Setback to any Property Line
 - §16-4.12(i)(c) Secondary Attached Sign (Number)
 - §16-5.3(b) Fence and Wall Height
 - §16-5.13(f)(6) Directional Sign Area

- c) Exceptions
 - §16-5.6(d)(3) Tree Planting
 - §16-5.6(d)(15) Street Trees
 - §16-5.8(a)(3) Parking Lot Plantings

Please do not hesitate to contact this office with any questions you may have.

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Memo To: Ms. Cheryl Chrusz, Planning Board Secretary
Montgomery Township Zoning Board of Adjustment
2261 Van Horne Road
Route 206
Belle Mead, NJ 08502

Date: September 23, 2021
55163 00

From: Rakesh R. Darji, PE, PP, CME
Environmental Resolutions, Inc.
Zoning Board Engineer

RE: Montgomery 206 Realty – Dunkin’
Amended Preliminary and Final Site Plan
Application #BA-04-21
Engineering Review #2
Block 28005, Lot 4
1276 US Highway 206
Township of Montgomery, Somerset County

Our office has reviewed the documents submitted by the applicant for an Amended Site Plan application. The subject tract consists of Block 28005, Lot 4, comprising approximately 0.5107 acres (22,639 SF). The applicant, Montgomery 206 Realty, proposes to construct an 1,823 SF Dunkin’s drive thru restaurant on the referenced Block and Lot number. The property is located within the Highway Commercial (HC) zoning district. The site is located on a corner parcel at US Highway Route 206 and Georgetown Franklin Turnpike (County Route 518).

In addition to the restaurant, other proposed improvements include an asphalt parking lot, retaining walls, landscaping, lighting, concrete sidewalks, an underground detention system, signage, stormsewer, sanitary sewer and other site related improvements. In order to construct the proposed improvements, all existing site improvements are proposed to be demolished. This includes a one-story service station building, gas tanks, concrete slab, existing septic, and all utilities.

One way, “right-in” only, turn access is provided along US Route 206. Right-turn in, right turn out access is provided along County Route 518.

The parcel has been subject to a prior site plan approval in 2015. The applicant had previously appeared before the Board of Adjustment and was granted a d(3) use variance and bulk variance relief as outlined below:

Variations/design waivers granted in 2015:

- §16-6.1m(1) – a d(3) use variance was granted to permit the applicant to have a drive thru window for a restaurant in a location not within a shopping center.
- §16-6.1m(2) – a d(3) use variance was granted to permit a drive thru window for a restaurant with direct driveway vehicular access to a public street.

- §16-4.12d – area and bulk requirements as follows:
 - Minimum lot area of 1 acre, where the proposed lot is 0.5107 acres
 - Minimum lot width and frontage of 150 FT, where the proposed width and frontage is 148.16 FT.
 - Min rear yard setback of 50 feet, where the proposed rear yard setback is 33.5 FT.
 - Max lot cover of 55%, where the proposed lot coverage is 77.9%.
- §16-4.12e.5.a – the front façade will have visual breaks in color and finishes.
- §16-4.12e.5.d – The front façade will be continued around all visibly exposed sides. The applicant has added stone finished to all sides of the building.
- §16-4.12.e.6.c – Decorative features were added to roof treatments.
- §16-4.12.e.7.b – Windows are to occupy 75% of the first story façade, the proposed is 42%.
- §16-4.12.f.5 – No parking is permitted within the first 25 FT adjacent to the lot line, where 3 FT is proposed along Georgetown Franklin Pike and 9.1 FT is proposed along US Highway 206.
- §16-4.12.h – A variance was granted to permit no loading areas where one is required.
- §16-4.12.i – A variance was granted to permit 1 free standing sign and 2 menu board signs where one freestanding sign is permitted.
- §16-5.4b – A design waiver was granted to permit an average 2.1 footcandles where no more than an average 1.0 foot candle is permitted.

The following information, submitted by the applicant in support of this application, has been reviewed by our office:

1. Montgomery Township Land Development Application, dated April 21, 2021.
2. Checklist, Preliminary Major Subdivision Plats and Preliminary Major Site Plan, undated.
3. Amended Preliminary and Final Site Plan, prepared by Ferriero Engineering, Inc., dated February 25, 2021, revised through September 15, 2021, unless otherwise noted, consisting of the following:
 - a. Title Sheet, sheet 1 of 14.
 - b. Demolition Plan, sheet 2 of 14.
 - c. Site Plan, sheet 3 of 14.
 - d. Grading, Drainage and Utility Plan, sheet 4 of 14.
 - e. Sanitary and Storm Sewer Profiles, sheet 5 of 13, revised to May 20, 2021.
 - f. Soil Erosion and Sediment Control Plan, sheet 6 of 14.
 - g. Landscape Plan, sheet 7 of 14.
 - h. Lighting Plan, sheet 8 of 13, revised to May 20, 2021.
 - i. Signage Plan, sheet 9 of 14.
 - j. Circulation Plan, sheet 10 of 14.
 - k. Construction Details, sheet 11 of 14.
 - l. Construction Details, sheet 12 of 14.
 - m. Construction Details, sheet 13 of 14.
 - n. Construction Details, sheet 14 of 14.
4. Architectural Plans, prepared by GK+A Architects, PC, dated May 7, 2021, revised to September 8, 2021, consisting of the following:
 - a. Proposed Floor Plan and Front Elevation, Signage Data, Finish Schedule, A-1.0.
 - b. Proposed Elevations, sheet A-2.0.
 - c. Building Sign Details, Site Details, sheet A-3.0.

- d. Site and Sign Details, sheet A-4.0
5. Color Rendering, prepared by GK+A Architects, PC, dated May 7, 2021, revised to February 11, 2021.
6. Survey of Property, prepared by Ferriero Engineering, Inc., dated September 6, 2016.
7. Environmental Impact Statement, prepared by Ferriero Engineering, Inc., dated May 2021.
8. Traffic Impact Statement, prepared by Dynamic Traffic, LLC, October 9, 2021.
9. Stormwater Management Report, prepared by Ferriero Engineering, Inc, dated September 2021.
10. Stormwater Management Operations and Maintenance Manual, prepared by Ferriero Engineering, Inc., dated September 2021.
11. Application, Delaware and Raritan Canal Commission, June 3, 2021.
12. Application, Somerset County Soil Conservation District, dated March 10, 2021
13. Letter, NJ DOT comments, dated August 20. 2020.
14. Will Serve Letters, dated May 11, 2021, to include New Jersey American Water, Century Link, Comcast Cable, PS&G, Montgomery Township Department of Public Works.

General Information

Applicant: Montgomery 206 Realty, LLC
1714 Woodbridge Avenue
Edison, NJ 08817

Owner: Montgomery 206 Realty, LLC
1714 Woodbridge Avenue
Edison, NJ 08817

Engineer: Paul Ferriero, PE
Ferriero Engineering, Inc.
180 Main Street
PO Box 571
Chester, NJ 07930

Architect: Cynthia Falls, AIA
GK&A Architects, PC
36 Ames Avenue
Rutherford, NJ 07020

Attorney: Jeffery B. Lehrer, Esq.
15 Mountain Blvd.
Warren, NJ 07059

Zoning

1. The zoning district of this parcel is Highway Commercial (HC), §16-7-12.
2. A restaurant is a permitted principal use in this zoning district. However, a drive-thru is a conditional use if the conditions of §16-6.1m are met.
3. Permitted accessory uses in accordance with §16-4.12b include off-street parking, fences/walls lighting, and signs.
4. Area, yard, and coverage requirements

§16-4.12d – Highway Commercial

| | Required | Existing | Approved (2015) | Proposed (2021) | |
|---|-------------------------|-----------------|------------------------|------------------------|----------|
| Lot Area | 1 acre | 0.5197 acres | 0.5107 acres | 0.5107 acres | V (2015) |
| Min. Lot Frontage/Width | 150 FT | 150.16 FT | 148.16 FT | 147.58 FT | V (2021) |
| Min Lot Depth | 150 FT | 151.68 FT | 151.68 FT | 151.68 FT | C |
| Front Yard – US Route 206 | 50 FT | ~ 70 FT | | 79.9 FT | C |
| Front Yard – Georgetown Franklin Turnpike | 50 FT | 61.55 FT | | 45.12 FT | V (2021) |
| Rear Yard | 50 FT | 49.3 FT | 33.5 FT | 28.0 FT | V (2021) |
| Side Yard | 25 FT | 38.5 FT | | 49.64 FT | C |
| Max Building Height (§16-4.16.c.1) | 2-1/2 stories / 30 feet | 1 story | 1 story | 28 FT | C |
| Max Impervious Cover | 55 % | 73.1% | 77.9% | 81.3% | V (2021) |
| Max FAR | 0.20 | 0.063 | 0.081 | 0.082 | C |

Variances

1. A d(3) conditional use variance may be required should it be determined that the timeline of the requirements of the prior resolution have expired.
2. From §16-4.12d which requires the minimum lot frontage and lot width to be 150 FT. A variance for minimum lot frontage of 148.16 FT was approved in 2015. The plans show that the lot frontage and lot width are now 147.58 FT. A bulk variance is required for the minimum lot frontage and lot width of 147.58 FT.
3. From §16-4.12d which requires the minimum front yard setback to be 50 FT. The plans show that the front yard setback along Georgetown Franklin Turnpike is proposed to be 45.12 FT. A bulk variance is required for the minimum front yard setback of 45.12 FT.
4. From §16-4.12d which requires the minimum rear yard setback to be 50 FT. A variance for minimum rear yard setback of 33.5 FT was approved in 2015. The plans show that the rear yard setback is proposed to be 28.0 FT. A bulk variance is required for the minimum rear yard setback of 28.0 FT.
5. From §16-4.12d which requires the maximum impervious coverage on the lot to be 55%. Relief had previous been granted for an impervious coverage of 77.9%. The plans show that the

proposed impervious coverage is now 81.3%. A variance will be required to permit a lot coverage of 81.3%.

6. From §16-4.12f.3 which requires 45% of the area of any lot to be landscaped with grass, shrubs, and trees. The applicant is proposing 12.9% of landscaped area. A bulk variance is required for the proposed landscape coverage of 12.9%.
7. From §16-4.12f.5 which requires that no parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within the first 25 feet adjacent to any street line nor within the first 15 feet adjacent to any other property line, and such areas shall be planted and maintained in lawn area or ground cover. The following items will require a bulk variance from this section of the ordinance:
 - a. The parking area is 8.3 FT from US Highway Route 206 where 25 FT is required.
 - b. The parking area is 4.49 FT from County Route 518 where 25 FT is required.
 - c. A retaining wall is approximately 6 FT from the northern property line where 15 feet is required.
 - d. A retaining wall is approximately 9 FT from the western property line where 9.08 feet is required.
 - e. The trash enclosure is located approximately 3 FT from the western property line and 5 FT from the northern property line.
 - f. The driveway is located approximately 13 FT from the northern property line and 10 FT from the western property line.
8. From §16-4.12h which requires a minimum of one loading space of 15 FT x 40 FT at the side or rear of the building. No loading space is provided. A bulk variance is required.
9. From §16-4.12i which discusses signs permitted in the Highway Commercial zoning district.
 - a. For corner lots, one additional attached sign is permitted for a principal use which faces the additional street provided that the sign shall not exceed ½ square foot of sign area per one linear foot of building façade frontage on said street. In no case shall the size of the sign exceed 20 SF in area. The southwest elevation, facing County Route 518 is proposed to have 2 signs totaling 30.08 SF.

A bulk variance is required for the number of signs (3 signs, one on the US 206 façade and 2 on the County Route 518 façade).

A bulk variance is required for sign area. The signs on the 2nd façade total 30.08 SF where 20 SF is permitted.

Design Waivers

10. From §16-5.3(b) states that no wall or fence shall be erected over four feet high in height in the side, rear and front yard areas.
 - a. The wall for the proposed trash enclosure is 6.0 feet high. A design waiver will be required.
 - b. The proposed retaining wall has a maximum height of 7.4 feet. A 27-inch timber guide rail is proposed to be placed on top of the retaining wall. A design waiver will be required.

11. From §16-5.4b.2(c) which requires an average footcandle of 1.0 throughout the area to be illuminated. The plans depicted the average FC is 1.1 for the parking lot. A design waiver will be required.
12. From §16-5.13f.5 discusses information, direction and warning signs. These types of signs are permitted, provided they do not exceed 2 SF in area and do not display any type of advertising. The applicant is proposing on-site directional signs that are 2.75 SF in area. A design waiver will be required.
13. §16-2.1. states that parking spaces should be 9 FT x 20 FT. The plans depict parking spaces of 9 FT x 18 FT. The definition also states that the length may be reduced to 18 FT should there be sufficient overhang that will not impact any sidewalk or landscaping. The angled spaces along County Route 518 appear to comply. The nine (9) spaces along US Highway Route 206 will interfere with the landscaping. A design waiver will be required.

General

1. §16-5.6c states that no soil is to be removed or imported to the site in excess of 20 CY without prior approval of the Planning Board. Note 42 of the Demolition Plan states that approximately 66 CY of soil will be imported.
2. The applicant is proposing a Right-of-Way dedication to Somerset County. The legal description of the ROW should be provided to the Board professionals for review.
3. Groundwater monitoring wells are located throughout the property. The applicant should testify as to what measures will be taken to ensure the integrity of the monitoring wells through construction and once the project has been completed. The monitoring wells should be depicted and labeled on the site plan and grading plan. In addition, a note should be added to the plan making the contractor aware of the wells and provide any guidance necessary to ensure that these remain functioning as designed.
4. A note on the plan (Note 4, Sheet 2) states that the underground storage tank removal and abandonment shall be conducted in accordance with approved closure plan prepared by others. The applicant should provide this plan for review by the Township professionals.
5. As this site is a former Fueling Station, the applicant should provide brief testimony regarding the status of any environmental remediation activity on the property and the level of anticipated activity (long term monitoring, sampling etc.) in the future.

Architectural Plans

6. The drawing date in the title block is May 2021; the revision date is February 2021. This should be reviewed and clarified, and the plans revised.
7. Sheet 2, elevation #1 indicates that is along Route US 206. This elevation is facing Lot 59, not the roadway. Future submission should be revised.
8. The Pylon Sign depicted on sheet A4.0 is a monument sign in the Site Plan. This should be revised so that the plans are consistent.

Site Plan

9. All setbacks should be labeled on the plan. This includes the setback for the retaining walls and trash enclosure.
10. There was a reference to a possible future connection in a prior site plan. It appears the applicant was proposing this location in accordance with §16-4.12.f1 which states: where feasible, driveways providing vehicular access between adjacent properties shall be permitted and required with appropriate cross easements. The applicant should provide testimony on its removal from this site plan.
11. We defer to the Montgomery Township Fire Marshal for further comment and final disposition regarding fire lanes and any other fire safety issues.
12. In accordance with §16-5.3c, it appears that a sight triangle easement with Somerset County will be required for the sight triangle depicted at the driveway access on County Route 518. The easement should be identified on the plans and provided to the County for review.
13. A public access easement will be required for the sidewalk along County Route 518 and US Highway Route 206 which is located within the property lines.
14. Proposed thermoplastic white directional arrows at the southern drive aisle conflict with proposed Dunkin’ pavement markings.
15. It is recommended that crosswalks be added to both driveways.
16. An SU-30 delivery truck is depicted on the site plan. A turning template for this vehicle should be provided.
17. The color and size of the proposed pavement striping at the drive through lanes should be depicted on the plan.
18. Our office has concerns about the traffic in the area of the drive through exit. At this juncture, the vehicles utilizing the bypass lane, entering from Georgetown Franklin Highway and the drive through exit have no traffic control. The bypass lane will turn in front of any vehicle exiting the drive through. Our office defers to the Board Traffic Engineer for further comment.

Grading & Drainage

19. The accessible route from the ADA space to the building should be depicted on the plan. Provide additional spot grades and directional arrows.
20. The applicant should review the area of the entrance to the proposed building. It appears that the proper ADA clearance may not be achieved between the bollards and the threshold when accounting for the door-swing.
21. Clean-outs with inverts, should be provide at all change of direction for the 4” roof drains.

22. It does not appear there is depressed curb at the rear entrance to facilitate deliveries or trash removal to the dumpster. Flush curb should be provided for ease of movement.
23. Soil test pit locations should be shown on the plan.
24. The extents of the wall drainage are unclear. This should be depicted on the plan and cleanouts provided at any change of direction.
25. Final retaining wall design and calculations, prepared by a qualified licensed engineer, will be required to be reviewed and approved as part of the resolution compliance review process and NOT deferred to time of construction.
26. Spot grades should be added to the ADA parking detail to demonstrate the accessible path into the building. Dimensions should be provided to show that the proposed bollard will not interfere with the pathway.

Utilities

27. The profile for the sanitary sewer should also depict the wall drainage pipe crossing in addition to the roof drains shown.
28. A private sanitary sewer lateral is proposed to be installed within the NJ DOT right of way. A specific approval to install a private sewer lateral in the state Right-of-Way should be obtained from NJ DOT and provided to as a condition of any approval granted by the Board.
29. The applicant will require specific approval from the Township Utility Department for the sanitary sewer capacity. At this time, the township has stated there is no capacity within the collection system.
30. It is noted that upgrades to an existing pump station, which would receive sewer flow from the subject property, are currently being performed by developers of two (2) on-going projects within the Township. The upgrades are limited to the capacity required for said projects. The applicant should discuss the pump station upgrades with the developers and coordinate proposed additional capacity at the pump station.
31. The applicant proposes a 4” sewer lateral on site which is increased in size to an 8” “lateral” as it enters the state ROW. The 8” line runs +/- 240 feet in the Rt. 206 ROW to an existing line which crosses Rt. 206. It is noted that the 8” sanitary line is regarded as a main and should be proposed to have manholes at changes size, direction and pipe material.
32. Our office has concerns with the constructability of the sanitary line with its proximity to the existing storm sewer line along US Route 206.
33. The proposed sanitary line is approximately 2 feet from the property line of the Tiger’s Tale. Any construction easements that may be required shall be in place prior to final signatures of plans.

Stormwater

34. The Township’s stormwater management ordinance defines a major project as the disturbance of one or more acres of land since February 2, 2004, or the disturbance of ½ or more acres of land on or after March 2, 2021, in addition to the creation of impervious surface. This project proposed

to disturb 0.61 acres which meets the criteria for a “major development” for the purposes of stormwater management and must comply Township of Montgomery Ordinance §16-5.2. In addition, the applicant shall meet the Montgomery Township requirements for stormwater quantity, recharge and quality standards as provided in §16-5.2.c1 and §16-5.2.c2. The applicant is directed to review the requirements of the revised ordinance and updated the stormwater management report as applicable.

The project must, therefore, meet the following requirements:

- a. Address the rate and volume of runoff from the project site. This may be done in one of three ways as outlined in NJAC 7:8:
 - i. Reduce the peak rate of runoff from the project area by 50%, 25%, and 20% for the 2-year, 10-year, and 100-year storms, respectively; or
 - ii. Demonstrate that the rate of runoff for the project is not increased from the pre-developed condition at any point along the post-developed condition hydrograph; or
 - iii. Demonstrate that the peak rate of runoff is not increased and that the increase in volume and variation in timing will not have an adverse downstream impact.

➤ *The applicant has provided, in tabular form, a chart depicting the pre- and post-development peak rates of runoff. It is noted in the stormwater report that the rainfall data for the 2-year, 10-year and 100-year storms are not the storm totals for Somerset County. The calculations should be re-run using rainfall data for the County.*
- b. Reduce the Total Suspended Solids (TSS) loading in stormwater by 80% for new impervious.

➤ *The applicant states that the use of a Stormfilter Chamber will achieve the 80% TSS removal rate for the new impervious surface. The two (2) proposed Stormfilters will collect runoff from a portion of the driveway/parking area prior to the runoff entering the proposed underground detention basin. In addition, Filterra systems are proposed for TSS removal and as a green infrastructure component to the stormwater plan.*
- c. Demonstrate that the amount of groundwater recharge in the post-developed condition is equal to or greater than the pre-developed.

➤ *The site is a former gas station, and thus is considered a contaminated site. Thus, groundwater recharge is not required.*
- d. Compliance with the above requirements shall be accomplished with use of Green Infrastructure and Low Impact Development Techniques.

➤ *The applicant proposes the use of two (2) Filterra systems which is considered a Green Infrastructure device in accordance with the NJ DEP.*

35. The Filterra system design should be detailed. Runoff from the parking lot should be directed to the system.
36. No soil or ground water information is provided for the proposed underground basin. Soil testing performed in accordance with the requirements of the NJDEP Stormwater Best Management Practices Manual (BMP) should be provided.
37. The original stormwater report contained Appendix F, Stormwater Collection and Conveyance Calculations. Piping information should be provided including diameter, length, slope, etc.
38. Regular and effective maintenance is crucial to ensure effected performance of the stormwater management measures. The applicant has submitted a stormwater maintenance report for review and approval. We have the following general comments:
 - a. The stormwater management maintenance plan and any future revisions should be recorded upon the deed of record for the property. This deed restriction should be prepared and forwarded to the Township Engineer for review and approval and should require the owner to maintain stormwater facilities in a manner satisfactory to the Township. The following restrictions should be incorporated.
 - i. The deed restriction should provide that in the event that the responsible party fails in its maintenance obligation, the Township has the right, but not the obligation, to enter upon the property to perform the necessary maintenance at the responsible party’s expense.
 - ii. The deed restriction should provide that maintenance is required and must be documented. Completed checklists must be sent to the Township by December 31 annually, but if an item or items is/are identified as “urgent”, the checklist must be shared with the Township immediately.
 - b. The report must be reviewed and approved by our office prior to signature of final plans. In addition, the Designated Inspectors List must be completed prior to signatures of the final site plan.
 - c. The final report should include the final grading, utility, and associated storm details plan in the appendix.
 - d. Add a separate checklist for the pipe and inlet network and detention basin. The author should consider the layout of the maintenance checklists from an end-user point-of-view. Each checklist should be unique to the components identified as a Basin and included in the title of each checklist. Each checklist (inspection and preventative maintenance) should have a proposed schedule along with a key map of where the pertinent items are in the development so that it can be utilized on its own, separate from the report.

- i. Add a header or footer on each checklist that it should be photocopied for use. It is noted that Table 2 and Table 3 should be re-formatted so that each table is a stand-alone document.
 - ii. Add a note that the completed checklists must be sent to the Township at least annually, but if an item or items is/are identified as “urgent”, the checklist must be shared with the Township immediately.
 - iii. The items outlined in the NJ BMP Manual Chapter 9.4 Maintenance section should be included in the O&M Manual.
 - iv. Inspection and maintenance of the downspouts from the building should be included in the checklist(s).
 - v. Ongoing maintenance (lawn cutting, etc.) should be combined and have bullet items that would outline a scope to a landscaping company, assuming that several companies would be utilized over the years. It would not seem user-friendly for a landscaper to check several boxes for grass cutting for one basin.
 - vi. The Maintenance Manual checklists should also include the proposed Filterra system.
 - e. Include maintenance steps/specific checklists for the Stormfilter by Contech.
39. Two (2) Filterra MTDs are proposed. The pipe from the Filterra to the inlet should be labeled to include length, diameter and material.
40. The Underground detention system detail should be revised:
 - a. The flow direction of the 12” Class IV RCP is incorrect at MH-3.
 - b. The slope of the 86LF entering MH-2.
41. It is noted that the minimum cover, per Note #7, is to be 12” for flexible pavement, measured from the top of the pipe to the bottom of the pavement. Add a dimension on the profile view to ensure that the 12” minimum cover is met.
42. A note on Sheet 5 states this sheet has not been updated Sheet 5 should be updated.

Basin Details

43. The cross section of the basin should be revised to include the seasonal high-water table determined by the required testing.
44. Inspection ports should be provided for the underground detention basin.

Landscape Plan

45. §16-5.6d.2 requires a minimum of 14 trees per acre of gross tract be planted throughout the tract. The applicant will be required to provide 8 trees.
46. The landscaping should be provided for the proposed signs.

47. It appears that landscaping is proposed within the sight triangle at the driveway along Georgetown Franklin Highway. A note should be added to the plan stating that trees should be limbed to 7 FT and shrubs trimmed to 36” within the sight triangle. We defer to the Board Landscape Architect for further comment regarding landscaping within the sight triangle.
48. We defer to the Board Landscape Architect and Board Planner for further comment and final disposition of the landscape plan comments offered herein.

Lighting Plan

49. If lighting is to be provided for the on-site directional signage it should be depicted on the plan.
50. We defer to the Board Planner and Landscape Architect for further comment and final disposition of the lighting plan comments offered herein.

Sign Plan

51. There is an unlabeled sign at the exit, in the vicinity of the Dunkin’ brand signs “E” and “N”. The sign should be labeled or the notation removed.
52. The T5539-A8D (no idling) sign is shown at the height limitation bar. It would be more appropriate for this sign to be located at the parking spaces. Idling is inevitable at a drive thru as most drivers do not turn off vehicles while waiting in line.

Circulation Plan

53. The trucks exiting (WB-40 and SU-40) cross over to the inbound traffic lane at County Route 518.
54. Both of the vehicles mentioned above also cross over to the outer drive thru lane. This could limit circulation should the trucks arrive when the facility is open.
55. The SU-40 Refuse Collection Truck template should be updated to demonstrate that the truck can maneuver to and from the trash enclosure without impacting curbing or vehicles.

Construction Details

56. The note on the Engineered Retaining Wall Section should be revised to state that calculations and drawings to be provided prior to final signature of plans rather than at permit application.
57. The OS-1 weir is 3 inches (0.25 FT) per the stormwater report and the plan view. The profile view depicts a 4-inch weir. The plan should be reviewed and revised.
58. The OS-1 weir invert is 123.2 in the stormwater report and 123.45 in the detail on Sheet 11. The plan and report should be reviewed and revised as needed.

Outside Agency Approvals

59. The applicant shall secure any, and all other approvals, licenses, and permits required by any other Board, agency, or entity having jurisdiction over the subject application or over the subject property, including but not limited to the following:

- a. Delaware and Raritan Canal Commission
- b. Somerset County Planning Board
- c. Somerset County Soil Conservation District
- d. NJDOT – Access and Utility
- e. Montgomery Township Utilities
- f. Any and all others necessary

Administrative

60. The applicant shall pay all taxes, fees and required escrow deposit which may be due and owing.
61. We reserve the opportunity to make further comments if additional information is presented.
62. All future resubmissions of the plans shall clearly indicate a revision date and be accompanied with a point-by-point response letter to the comments of the Board’s professional staff.

Should you or the applicant have any questions, please do not hesitate to contact this office.

RRD/mbs

cc: Montgomery 206 Realty, LLC, Applicant
Jeffery B. Lehrer, Esq, Applicant’s Attorney
Paul W. Ferriero, PE, Applicant’s Engineer, paul.ferriero@ferrieroengineering.com
Cynthia Falls, AIA, Applicant’s Architect, cfalls@gkanda.biz
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Bright View Engineering

Moving you forward

September 21, 2021

VIA (E-MAIL CChrusz@twp.montgomery.nj.us))

Ms. Cheryl Chrusz
Administrative Assistant
Montgomery Township Planning Board
2261 Van Horne Road (Route 206)
Belle Mead, New Jersey, 08502

**Re: Amended Preliminary & Final Site Plan
Block 28005 Lot 64
Dunkin
Bright View Project No.: 212751**

Dear Ms. Chrusz:

Bright View Engineering has had the opportunity to review the following supplemental documentation with regard to the above referenced project. New or revised documents are indicated in **bold**.

- “Amended Preliminary and Final Site Plan, Dunkin’ ” prepared by Ferriero Engineering, Inc., **revised September 15, 2021, 14 sheets**
- Architectural plans entitled “Proposed Dunkin’ ” prepared by gk+a Architects, PC, **revised September 8, 2021, 4 sheets**
- “Traffic Impact Assessment, Proposed Dunkin’ Restaurant” prepared by Dynamic Traffic, dated October 9, 2020.

With regard to the above referenced documents, Bright View Engineering offers the following comments. This represents the second review conducted by Bright View Engineering. For ease of reference, earlier comments are provided in regular text with any updates in *italics*.

Site Plan

- 1) It is this office’s understanding that Somerset County requires channelizing islands at driveways to County roadways where turn prohibitions are instituted. Additional information / testimony should be provided regarding the status the project with Somerset County. Specifically, this office is concerned that large vehicle circulation will be compromised if a channelizing island is required.

This comment remains outstanding. The updated plans do not show the channelizing island.

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Roseland, NJ 07068



- 2) The site plan includes branded pavement markings for directional markings on site. Such markings are not MUTCD compliant and shall not be in lieu of MUTCD compliant pavement markings.

The site plans appear to have provided MUTCD compliant directional arrows in addition to the branded markings, however the call outs for said markings are unclear. Any conflicts between the directional arrows and the 'drive thru' markings shall also be rectified.

- 3) Additional information is recommended regarding the design of the ADA ramp opposite the handicap parking space in front of the site. It does not appear that the configuration as designed will be ADA compliant.

Addressed. The revised site plan eliminates the ramp in question.

- 4) This office recommends MUTCD compliant one-way and do not enter signage be incorporated into the site plan at the US 206 driveway and on site as appropriate.

Addressed. The required signs are indicated on Sheet 9 of the plan set.

- 5) Pedestrian appropriate signing and striping should be included at the site driveways. For instance, painted crosswalks should be included across both driveways.

Comment remains outstanding.

- 6) A vehicle turning template for a fire truck shall be provided for the site. When preparing the requested turning path, please consider that the fire house most likely to respond to this site is located on CR 518 west of the site.

Comment remains outstanding. A turning template for a fire truck shall be provided.

- 7) Clarification is required regarding the provided vehicle turning templates. The WB40 template provided appears to use an SU40 design vehicle. Also, there is a scaling discrepancy between the SU40 and WB40 figures. They are both marked at 20 scale, yet the building is shown at different sizes between the two figures.

Addressed. The discrepancies noted have been corrected.



- 8) The loading area shown on sheet 3 of the plan set indicates an approximately 30' long vehicle whereas the turning templates indicate a WB40 delivery vehicle. Please clarify the intended delivery vehicle and if a WB40 can stage in the area provided. Also, it appears the location of the delivery vehicle staging area is in conflict with the menu board overhang, as a delivery vehicle can be 13'6" high, whereas the menu board overhang is proposed to be approximately 10 feet high.

Addressed. The revised site layout addresses these issues.

- 9) This office recommends an illustrative graphic be provided for the benefit of the board indicating where the 'Dunkin' directional signage will be located on site, recognizing custom signage must be reconciled with MUTCD compliant signage.

Partially Addressed. Sheet 9 provides the requested information, however the message to be portrayed on the CR 518 frontage signs is unclear. Testimony should be provided indicating the messaging and rationale for same in the vicinity of the CR 518 access.

- 10) Additional information / testimony should be provided regarding the time and frequency of trash pickup and deliveries and how that compares to the proposed hours of operation.

Comment remains outstanding.

Traffic Impact Study

- 11) The parking table for the project indicates 16 spaces are provided whereas 5 are required. The ITE parking generation manual identifies an 85th percentile parking demand of 23 spaces for a drive through coffee shop of this size. Justification for the discrepancy between the proposed parking supply and the ITE projected parking demand is required.
- 12) The TIS states that 16 vehicles can be stored in the queueing area for the site. A queueing analysis indicating if the provided storage is sufficient shall be provided.
- 13) Additional information / testimony is required regarding internal site circulation, particularly the anticipated queue for vehicles exiting the site onto CR 518. This office is concerned if more than one vehicle is queued to exit the site, internal circulation will be compromised.
- 14) Additional information / testimony is required regarding the origins and destinations of vehicles to and from the site. For instance, how will pass-by vehicles traveling northbound on Route 206 return to Rt 206 northbound after exiting the site? Additional study locations may be appropriate depending on the identified routing.
- 15) Vehicles routinely queue past the site driveways on both US 206 and CR 518. Additional information / testimony should be provided how these queues affect internal site circulation and the ability of large wheelbase vehicles to access the site. This particularly important for large wheelbase vehicles entering the site from US 206, as according to the turning



templates provided, they must make the right turn into the site from the dedicated left turn lane.

- 16) The applicant should confirm with the board clerk all of the approved developments which must be taken into account as part of the TIS. At a minimum, the recently approved Country Classics residential development located on US 206 northbound north of the site shall be included as a planned development.
- 17) The applicant's traffic engineer is encouraged to contact this office directly to discuss the trip distributions utilized in the traffic study. This office has concerns that the pass-by routing is not reflective of likely traffic patterns. For instance, zero pass-by traffic was assumed to come from the Rt 206 northbound traffic stream. Similarly, pass-by has not been applied to eastbound traffic on CR 518.
- 18) Additional commentary regarding the LOS analysis presented in the TIS will be provided once revisions to the trip distribution/ routing are addressed.

An updated traffic study was not provided with the September, 2021 submission. All traffic impact study related comments identified above remain.

Additional Commentary on Updated Plans

- 19) *As discussed at the recent Site Plan Sub-Committee Meeting, off site directional signage is recommended to direct patrons of the proposed site back to US Route 206. This office recommends trailblazer signs be provided along the loop roads in the vicinity of the site as appropriate.*
- 20) *Testimony should be provided regarding the anticipated operation of the area on site where the drive through exit, by-pass lane exit, and CR 518 entrance converge. Of particular concern of this office is what interactions at this location could causing queuing onto CR 518 or otherwise hamper on site circulation.*

I trust this information will assist the board in its review of this application. If you have any questions, please feel free to contact me at 908-547-5045 or via email at JFishinger@BVEngr.com.

Sincerely,
Bright View Engineering



Joseph A. Fishinger, Jr., P.E., P.P., PTOE
Director of Traffic Engineering