

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

**1
SEPTEMBER 21, 2023**

The meeting was called to order by Chairman Nicholas Huszar and the opening statement was read by the Board Secretary.

ROLL CALL: Showed the following members were present: Joseph Cristiano, John Leggio, Robert Seaman, Councilman Fred Gasior, Christopher Mercer, and Chairman Nicholas Huszar. Brian Tannenhaus arrived at 7:05 p.m. and Jackie Pike arrived at 7:10 p.m. Brian Greenfield and Chairman Paul Boisvert were excused.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Board Planner and Eileen Rubano, Board Secretary.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: There were no minutes to approve.

VOUCHERS: None

CORRESPONDENCE: The Board Secretary said she had an email from Nicholas Montenegro, Attorney for Richard Sieb. Mr. Montenegro said the plans will take some time to revise so he granted the Board an extension of time to act on the application through the end of December 2023 and he will re-notice for a new hearing date.

RESOLUTIONS: There were no resolutions to memorialize.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. Case No. SD-3012 / 391 Oak Glen, LLC

Dante Alfieri, Attorney for the Applicant, appeared and said they were seeking checklist waivers. Ms. Neumann was duly sworn and testified that the submission waivers were listed in her August 25, 2023 review letter in item 3 on page 4 and since this is a minor subdivision to reconfigure lot lines between two lots she took no exception to the granting of the waivers.

Mr. Tannenhaus made a motion to grant the submission waivers. Motion was seconded by Mr. Seaman and carried with Mr. Cristiano, Mr. Leggio, Mr. Seaman, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Huszar voting for the motion.

b. Case No. SD-3009 / Augustine Kim

Vincent Halleran, Attorney for the Applicant, appeared and asked Ms. Neumann to go through the waiver requests. Ms. Neumann was sworn and testified that the waivers were listed in item 2 on page 3 of her August 25, 2023 review letter and since it is a minor subdivision she took no exception to the granting of the waivers.

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Councilman Gasior made a motion to grant the submission waivers. Motion was seconded by Mr. Tannenhaus and carried with the exception of the items Ms. Neumann outlined. Motion was seconded by Mr. Greenfield and carried with Mr. Cristiano, Mr. Leggio, Mr. Seaman, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Huszar voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. Case No. SP-1106 / 9 North Realty, LLC

Dennis Collins, Attorney for the Applicant, appeared and said they are here for improvements that have existed at the Ivy League for outdoor dining that were allowed during COVID.

Joseph Kociuba, PE, PP, was duly sworn, gave his credentials to the Board and was accepted as an expert witness. Mr. Kociuba testified that the patio was 500 sf. with 40 seats, to supplement the existing bar and dining room that has 126 seats. The parking required for the site is 56 spaces where 91 exist. The patio is used from late spring through early fall with no outdoor heating or music. During the off season it is used as a smoking area and is fully enclosed with a fence. He said they need variance relief for the fence being in the buffer area and also for impervious coverage which exceeds the bulk standards. He said the patio has been in existence for several years as it was constructed during the height of COVID and there have been no complaints and there are several residential properties surrounding the area. He also said he would comply with all comments in the review letters from the professionals.

Mr. Beahm said she would like to see sidewalks as this Board asks all applicants, especially the ones on Route 9 to install sidewalks.

Mr. Tannenhaus said he would also like to see bollards for the parking up against the building.

After some discussion with the applicant, Mr. Kociuba and Mr. Collins agreed that as a condition of approval they will add sidewalks and bollards next to the outdoor dining area only subject to the review and approval of the Board Engineer.

Chairman Huszar opened the hearing up to members of the public but since no one appeared it was subsequently closed.

Mr. Cristiano made a motion to approve the application for 9 North Realty with the conditions discussed. Motion was seconded by Mr. Leggio and carried with Mr. Cristiano, Mr. Leggio, Mr. Seaman, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer, Ms. Pike and Chairman Huszar voting for the motion.

b. Case No. SP-1011A-2 / Wen Claire Real Estate, LLC

Mark Aikins, Attorney for the Applicant, appeared and said this application is for a Wendy's restaurant that was approved in 2015, then the came back to the Board in 2017 for a smaller restaurant and today they are coming back with an even smaller footprint as they have reduced the site by 1,049 square feet. The site is in the HD-1 zone and fronts on Route 9 and also has 300 feet of frontage on West Farms Road.

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Vincent Kelly, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Kelly testified that the difference between the 2015 approval and today's application was the size of the building was reduced from 3400 sf to 2380 sf, they originally proposed seating for 56 and now they are proposing 30 seats. The layout is the same with a right in, right out driveways on Route 9 and a full movement driveway on West Farms Road. There is a cross access easement with Suburban Propane that has been in place since the original application. They are proposing sidewalks along Route 9 and West Farms Road and the sidewalk also connects to the building for ADA purposes. They do not intend to fully develop the site and are keeping half an acre of existing trees.

Mr. Kelly also testified that the drive through lane is the same as the original application with queuing for 9 vehicles and the parking includes one EV charging space. He explained that they do need relief for the number of parking spaces as the ordinance calls for 80 spaces and they are proposing 42 but get credit for 43 with the EV space. The previous approval granted the variance for the parking at which time they were proposing 42 where 86 were required. He stated that they did parking counts at another Wendy's which is 1,000 sf larger and the parking and queuing is sufficient with their findings.

Councilman Gasior asked what was approved in 2015 and Ms. Neumann explains that the site plan was approved and the only things that have changed since then would be the sidewalk ordinance and the stormwater regulations.

Mr. Kelly further testified that the woodlands management plan is the same as the previous approval although they are adding a few more trees and shrubs. He said there were some comments regarding the species and they will make those changes at the Board's discretion. He also testified on the lighting for the site which needs relief.

Mr. Tannenhause said one of the fixtures had no shielding and should be changed. Mr. Kelly agreed to make the change with review by the Board professionals and will update the plans as well.

Mr. Kelly testified that they will have bollards against the building, they need a force main and they are not proposing any generator. He also said the mechanicals will be screened by the parapet walls on the roof. He also spoke about the signage for the site all of which are smaller than what was previously approved and they also reduced the number of signs from 8 to seven. He also testified on the stormwater management systems being proposed which include porous pavement in the rear of the site and two basins in the front of the site along Route 9. One of the basins will be a detention basin and the other a bio retention basin with infiltration. He mentioned that the basins require relief just like they did with the previous application as they are in the setback but they need to be there as all the drainage goes towards Route 9. He also said he will comply with all comments in the review letters.

Daniel Bloch, PP, was duly sworn, put his credentials on the record and was accepted as an expert. Mr. Bloch put planning testimony on the record for variance relief for the stormwater basins in the front yard with chain link fencing and retaining walls and the signs. The Board questioned the chain link fencing and Mr. Aikins said they will stipulate to using split rail fencing with mesh. He also testified on the variance for the number of parking spaces and said there are no substantial detriments to the public good, the Master Plan or the zone plan.

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Mr. Bloch also put testimony on the record for the granting of the design waivers for lighting and the drive aisle width.

Chairman Huszar opened the hearing up to the public and when no one appeared he closed the public portion of the hearing.

Mr. Tannenhaus made a motion to approve the application for Preliminary and Final Major Site Plan with ancillary variance and design waiver relief with the split rail fence with mesh around the basins as agreed to. Motion was seconded by Mr. Leggio and carried with Mr. Cristiano, Mr. Leggio, Mr. Seaman, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer, Ms. Pike and Chairman Huszar voting for the motion.

MASTER PLAN STATUS REPORT: Ms. Beahm said the re-examining report will be ready to distribute to the Board next week and we will be having a public hearing on it soon.

Mr. Seaman made a motion to adjourn. Motion was seconded by Mr. Cristiano and carried with all members voting to adjourn.

The meeting adjourned at 8:12 p.m.

Respectfully submitted,



**Eileen Rubano
Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.