



TOWNSHIP OF NORTH BRUNSWICK
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DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Timothy M. Arch, Esq.
Bob Smith & Associates, Attorneys at Law
216 Stelton Road, Suite B-1
Piscataway, NJ 08854

FROM: Sal Profaci, Zoning Officer

DATE: February 24, 2023

SUBJECT: Block: 203 Lot(s): 36 & 37
Street Address: 511 & 517 Milltown Road – Dunkin Donuts
Applicant: Brunswick Estates, LLC **File # 2630-A (Second Review)**

Dear Mr. Arch:

I have reviewed the revised application for a Preliminary and Final Major Site Plan with variances at the above-referenced address, and I am issuing the following report.

Application Materials Reviewed

- 7-sheet Preliminary and Final Major Site Plan, prepared by Sharif H. Aly, dated 6/7/2021, revised through 2/20/2023;
- 3-sheet preliminary architectural plans, prepared by Frank Truilo Architect LLC, dated 2/20/2023;
- 1-sheet Boundary and Topographic Survey, prepared by Juan J. Rodriguez, dated 4/11/2020.
- Traffic Impact Study, prepared by Dynamic Traffic, revised 2/17/2023.

Project Description

1. The applicant was previously heard by the Planning Board on October 11th 2022, and has made several revisions. The applicant proposes to consolidate lots 36 and 37, demolish

existing buildings and structures on the subject lots, and construct a new 2,100 sq. ft. one-story single building to contain a Dunkin Donuts with a drive-through window, parking lot, refuse enclosure, and other associated site improvements. The most prominent revision was the removal of the 1,012 square ft. retail portion, thus reducing the building size from 3,112 sq. ft. to 2,100 sq. ft. The other important change to note is the improved circulation throughout the site. The site plan has been revised to stack sixteen (16) cars in the drive-thru lane where the previous plan only allowed eight (8) cars.

2. The subject premises are located in the Neighborhood Commercial (C-1) Zoning District, and restaurants and retail stores are permitted in the zone. A drive-through window is a permitted accessory use to a restaurant.
3. The subject property is surrounded by residential uses on the north-eastern side of the property, an office building on the north-western side of the property, a shopping center on the south-western side of the property, and an office/retail building on the eastern side of the property (Figures 1 & 2).



Figure 1: Subject property (2D view).



Figure 2: Subject property (3D view).

VariANCES

- a. The below chart indicates the required “C” variances as well as variances eliminated by the revisions to the prior site plan.

Description	Min. Required/Max. Permitted	Proposed	Variance	Ordinance
Impervious Coverage	80%	74.22%	Variance (eliminated)	§ 205-4.1 (Table 1, C-1 Zone)
Residential Buffer	30 ft.	12.5 ft.	V (improved)	§ 205-66 (B)
Number of Parking Spaces	21(-4 EV credit)= 17	14	V	§ 205-100 (B) (6) & (7)
Parallel Curb Parking Spaces, Size	23 ft. by 9 ft.	23 ft. by 9 ft.	V (eliminated)	§ 205-98 (A)
Front Yard Setback, Parking	10 ft.	0.7 ft. (Milltown Road) / 3.3 ft. (Chrome Street)	V	§ 205-66 (D)
Drive Aisle Width, Two-Way Traffic	25 ft.	25 ft.	V (eliminated)	§ 205-98 (B) (5)
Driveway Width, One-Way Traffic	12 ft.	15 ft.	V (eliminated)	§ 205-98 (B) (4)
Freestanding Sign,	20 ft.	10 ft.	V	§ 205-102 (C)

Setback				
Freestanding Sign, Size	40 sq. ft.	50.54 sq. ft.	V	§ 205-105 (H) (1)
Fence in Front Yard, Type/Height	Open, up to 4 ft. high	Solid, 8 ft. high	V	§ 205-93 (A) (1) (a)
Fence in Side Yard, Type	Open (up to 8 ft. high), or solid (up to 6 ft. high)	Solid, 8 ft. high	V	§ 205-93 (B) (1) (b)

V = Variance

- a. **Residential Buffer** - The applicant proposes to construct a 2,100 sq. ft. Dunkin Donuts with associated site improvements and proposes a 12.5 ft. buffer between the proposed commercial development and residential zone on the north-eastern side of the property, whereas an additional 30 ft. buffer strip, designed in accordance with the requirements of Article XXVI, shall be added to any required rear or side yard of a commercial development which abuts a residential zone or a lot developed for residential uses (**§205-66 (B)**). The applicant has increased the buffer to 12.5 feet from 0 feet on the previous site plan. The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.
- b. **Number of Parking Spaces** - The applicant proposes to construct a 2,100 sq. ft. Dunkin Donuts providing a total of 14 actual parking spaces on the site, 4 of which are proposed to be parking spaces for electric vehicles which shall be counted as a total of 4 parking spaces for the purpose of complying with the minimum parking space requirement (Section (E)(2) of the DCA Model Statewide Municipal EV Ordinance), whereas a minimum of 17 parking spaces is required (**§205-100 (B) (6) & (7)**). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.
- c. **Front Yard Setback, Parking** - The applicant proposes to construct a 2,100 sq. ft. Dunkin Donuts with proposed parking spaces to be located 0.8 ft. from Milltown Road and 3.3 ft. from Chrome Street, whereas in the C-1 Zone front yards may be utilized for parking, provided that no parking shall be closer than 10 feet to the street lines (**§205-66 (D)**). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.
- d. **Freestanding Sign, Setback** - The applicant proposes to construct a freestanding sign 10 ft. from the front property line on Milltown Road, whereas no sign shall be located closer than 20 feet to any lot line, except traffic signs and other signs installed by governmental agencies (**§205-102 (C)**). The Applicant should justify this variance and

provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

- e. **Freestanding Sign, Size** - The applicant proposes to construct a 50.54 sq. ft. freestanding sign, whereas for buildings of less than 10,000 sq. ft. of gross floor area freestanding signs shall not exceed 40 sq. ft. (§ 205-105 (H) (1)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

- f. **Fence in Front Yard, Type/Height** - The applicant proposes to construct an 8 ft. solid fence in the required front yard setback on Chrome Street, whereas only open fences not exceeding 4 ft. in height above ground level may be located in a front yard area (§205-93 (A) (1) (a)). However, residential property owners may erect a solid fence not exceeding six feet in height or an open wire fence not exceeding eight feet in height where the property abuts land zoned and used for commercial and industrial purposes (§205-93 (A) (1) (f), and prior to commencing construction of any buildings, structures, railroad tracks, driveways or parking areas, a permanent fence shall be constructed along the entire length of any side or rear lot line that abuts a residential zone or lot utilized for residential purposes in a commercial or industrial zone. Such fence shall be a solid fence six feet in height or an open fence eight feet in height and shall be of a type and material approved by the Planning Board (§205-106 (I)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

- g. **Fence in Side Yard, Type** - The applicant proposes to construct an 8 ft. solid fence along the side property line between the subject property and residential lot, whereas only solid fences not exceeding 6 ft. in height or open wire fences not exceeding 8 ft. in height may be erected in the rear or side yard areas and at the building setback line (§205-93 (B) (1) (b)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

The Township reserves the right to further comment based upon the testimony at the public hearing.

Completeness

1. Checklist Items:

The application is administratively **deemed incomplete** since the following items from the checklist entitled “Site Plan Completeness Checklist” have not been satisfied and/or submitted, and no waiver is requested:

1. Electronic copies of all submitted plans, reports, applications, etc.
2. One (1) original and fourteen (14) copies of revised site plan and variance applications
3. Fifteen (15) copies of reduced plans measuring 11 x 17 inches
4. Fifteen (15) copies of preliminary architectural plans
5. Six (6) Traffic Studies

2. Fees and Escrow Deposits (§ 205-139):

Land Use Application Fees:

Revised Site Plan:	\$500.00
Zoning Report:	<u>\$200.00</u>
TOTAL:	\$700.00

Technical Review Escrow Deposit:

Revised Site Plan: (1/3 of Original Escrow)	\$844.33
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Note: Please submit two separate checks in the above total amounts and the identified items above. Upon receipt and review of the requested materials, you will be notified regarding the status of your application with respect to a Board hearing, for which proper notification will be required. If you have any questions, you may contact Janice Larkin, Secretary to the Planning Board, at 732-247-0922, extension 201.

Sincerely,



Sal Profaci, Zoning Officer

c: Mayor and Council
 Michael Hritz, Director of Community Development
 Tom Vigna, Planner
 Planning Board