

**MONTGOMERY TOWNSHIP ZONING BOARD  
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY  
REGULAR MEETING  
JUNE 23, 2015**

**MINUTES**

Chairman Cheskis called the meeting to order at 7:37 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

**BOARD MEMBERS PRESENT:** Chairman Cheskis; Mr. DeRochi; Mr. Post; Mr. O'Brien; Mr. Thompson; Ms. Covello, Alternate #1; Ms. Brach, Alternate #2; Mr. Kristjanson, Alternate #3; Ms. Chenette, Alternate #4 (arrived 7:56 p.m.)

**ALSO PRESENT:** Mr. Drollas, Jr., Board Attorney; Mr. Sullivan, Board Planner; Mr. Cline, Board Engineer; Mr. Angelastro, Traffic Engineer; Mr. Palmer, Zoning Officer

**I. SALUTE TO THE FLAG**

**II. APPLICATION**

**Case BA-07-13                      Applicant: Montgomery 206 Realty**  
Block 28005 Lot 64  
"d"(3) Conditional Use Variance, Bulk Variance and Preliminary and Final Major Site Plan  
Expiration Date – 8/31/15  
Affidavit of Notification and Publication Previously Submitted and Found to Be In Order

Jeff Lehrer, Esquire represented the applicant. He indicated that they have received approval from the Montgomery Fire Chief. Mr. Lehrer provided four locations of other Dunkin Donuts facilities that are at similar intersections, as requested by the Board at the last meeting.

Mr. Ferriero, who remains under oath, discussed the revisions made to the site plan. The number of parking stalls has been reduced from 21 to 15 which also reduced the overall lot coverage on the property. The plan has been modified to accommodate a WB-50 design vehicle to move through the site although it is the applicant's intention to serve the site with box trucks. A 24' wide access drive to the property to the west has been provided so there could be connection between the sites in the future. More detail has been added for the trash enclosure to make it have the same material on all sides. The total impervious area on the property is being reduced by 139 square feet. The impervious area variance is still needed and water quality will be provided. The final water quality design still needs to be done. The storm drain will be 15 inch pipe and the sanitary lines are 8 inch. Sidewalks are not proposed. NJDOT has informed the applicant that if anything is done to the intersection all four legs of the intersection has to be upgraded. Modifications have been made to the lighting plan as well as the point to point diagram to include the building mounted lights. The average light intensity increases from 1.8 to 2.1. Light meter readings were taken on the adjoining Tigers Tale property to see what the ambient light levels are. Exhibit "Lighting Exhibit" dated 6-23-15 was marked as Exhibit A-3(should be Exhibit A-4). There is a level of 0.1 at the corner by the road, it drops to 0 as you go into the site, and then it goes up to 1 in the vicinity of the cobra head light at the rear of the property. In front of the Tigers Tale there are levels of 2.1, 1.2, 3.6, 4.7 and 2.3 foot-candles which are very consistent with what is proposed for the Dunkin Donuts site.

Mr. Cline noted that the gooseneck lighting previously proposed has been changed to sconces that are marked as up/down lights. Mr. Ferriero confirmed they would be down lit only. He also confirmed that the screening around the HVAC system will be a solid fence.

Chairman Cheskis asked about the vehicular connection from the subject property to Tiger's Tale. Mr. Ferriero responded that the connection is still not shown on the plans due to the topography on the site. Mr. Angelastro said that he spoke to Christopher Melick at Somerset County who said he really didn't see the need for the cross-easement to the Tiger's Tale and thought the requirement would be removed when it goes before the County Planning Board.

Harvey Yesowitz was sworn in. Mr. Yesowitz gave the Board his educational and professional background and was accepted as a traffic consultant. Mr. Yesowitz prepared a traffic report dated July 18, 2013 and an update dated December 18, 2014. The intersection of Routes 206 and 518 is controlled by a semi-actuated traffic signal. There are left turn lanes and left turn phases on all approaches. Traffic counts were conducted several times; the first in June 2013 and the second in October 2014. The morning peak hour occurs from 7:45 a.m. to 8:45 a.m. During the morning peak hour there were approximately 1,700 vehicles counted in both directions on Route 206. During the afternoon peak hour there were 1,900 vehicles. On Route 518 the two way volume was about 1,000 vehicles during both the morning and afternoon peak hours. A study at the Dunkin Donuts that is part of the Hillsborough Promenade on Route 206 was conducted. The trip rate per 1,000 square feet at that location is lower than the trip generation in the ITE trip generation handbook. During the morning peak hour it is projected there will be 95 vehicles entering and exiting the site. During the afternoon peak hour it is projected there will be 40 trips in and out. There are two types of trips that occur at a site like this; a newly generated trip and pass-by trips. For the analysis they assumed 50% between the pass-by trips and newly generated trips but the reality for this site is that there will be more pass-by trips than newly generated trips. The newly generated trips were based on a review of existing traffic patterns, population densities and population concentrations. The pass-by trips were assumed to occur in proportion to the flow of traffic along the roadway. For the

northbound direction on Route 206 they assumed only half of what is normally expected for the pass-by trips because it is more difficult to get into and out of the site from a northbound direction than the southbound direction. The southbound traffic on Route 206 will utilize the right in right out access and will be the predominate traffic visiting the site. The difficulty of some of the other turning movements into and out of the site will tend to discourage them to a greater degree. The general annual growth in the area was estimated at a 3% over the next 3 years. An analysis was done showing the growth in traffic without Montgomery Promenade and with Montgomery Promenade. The intersection delay without the Montgomery Promenade project will increase about 7 seconds in the morning and between 2 and 3 seconds in the afternoon. With the road improvements associated with the Montgomery Promenade project the delay will increase about 1 second during both morning and afternoon peak hours. The model says the delay on Route 206 at the intersection right now is about 70-80 seconds, or about 1 light, during the peak hour. The gaps caused by the slow acceleration of the trucks on Route 206 south create a significant gap in traffic which will allow cars to exit the site onto Route 206 south. During the morning peak hour there will be 18 trips added to the left turn from Route 518 to Route 206 and 15 will be added to the straight through movement over the period of one hour. From the order board to Route 206 there is enough room for 5.5 cars to stack on either side. From the pickup window back to the order board there is room for about 3 cars. There is a total stacking of about 13-14 cars before it affects the entrance drive. During the traffic count at the Hillsborough site, the most stacking that occurred was 12-13 cars and the most parked cars was 11. There are no shoulders in this area and in Mr. Yesowitz's experience, someone will not block Route 206 traffic waiting to turn into the site. During the traffic counts he observed people parking in Tigers Tale and crossing Route 206 to get to Wawa.

Ms. Brach asked about the exit onto Route 518 from the site.

Mr. Yesowitz explained that it is a single lane coming out. The right turn out will be easy to make. The left turn out will be a little more difficult. There is stacking on Route 518 for about 4-5 cars in the left turn lane and about 5 cars in the through lane before getting to the Dunkin Donuts driveway. Making the turn into the left turn lane is doable. It will be more difficult to turn into the through lane. The concern with having two lanes out of the site is that the left turn lane will fall opposite the drive through window lane and has the potential of blocking that lane.

Mr. DeRochi opined that customers will not be able to make a left out of the site to Route 518. He thought that left turns would be prohibited out of the Route 518 driveway and suggested the applicant do so.

Mr. Yesowitz replied that if the left turn onto Route 518 is restricted it is unlikely the DOT will approve the project. DOT will be concerned that people who want to go east on Route 518 will come out onto Route 206 and force their way into the left turn lane. He opined that if it is inconvenient for people to make a turn they won't visit the site. When the Promenade is constructed the left turn movement out of the site could be eliminated. When the property to the west is developed, the proposed cross easement will allow access to a driveway much further away from the intersection should left turns become problematic.

Mr. Angelastro testified that he first made a recommendation to restrict the left turns. He then spoke to the County and the County generally will allow a full movement driveway because of restrictions that DOT places on movements on their highway.

Mr. Yesowitz discussed the benefits and concerns of having a drive through. It reduces the overall parking demand, pedestrian vehicle conflicts are reduced within the parking areas and access is improved for handicapped individuals, the elderly and parents with small children in the car. The concern with a drive through window is whether it will back up to the point it will impact the flow of traffic on Route 206 and the studies that have been done shows it will not. The configuration that is being presented to the Board is the best for this site.

Ms. Chenette asked if a person coming into the site from Route 518 will create issues if they try to get into the drive through lane if it is backed up to Route 206. Mr. Yesowitz responded that if they encounter a backup they would likely park their car and go in.

Mr. Cline said there could be instances when making a left from the site onto Route 518 to get into the through lane, people will pull into the left lane and then force their way into the lane.

Mr. Angelastro suggested there be a condition in the resolution that once the improvements required with Montgomery Promenade are constructed the Route 518 driveway become right in and right out only. Mr. Yesowitz opined that the left turn in movement should not be prohibited.

Mr. Yesowitz noted that the Township requested that a sidewalk be installed along the road frontage. NJDOT regulation says if any changes to an intersection are made the intersection has to be brought up to the current standards of design in accordance with the Federal Manual. If the applicant was to install the sidewalk, the improvements required by NJDOT would be significant. The Township could take a contribution from the applicant for their fair share.

Mr. Lehrer said the Board of Health and Richard Bartolone issued new reports. The applicant had no concerns with either report.

Mr. Angelastro referenced his report dated March 16, 2015. The Board should consider a condition restricting the left turn movement out onto Route 518 when Montgomery Promenade is constructed. The queuing at the drive through as proposed should be adequate for this site.

Chairman Cheskis opened the meeting to the public. There were not comments or questions.

Mr. Lehrer told the Board that he has had conversations with Mr. Fedun about the retaining wall and about relocating the guy wire. They will continue to talk.

The application was continued to a special meeting on July 7, 2015. No further notice is required.

There being no further business to come before the Board, the meeting was adjourned at 10:18 p.m.