

CHATHAM BOROUGH PLANNING BOARD

October 11, 2006

7:30 p.m.

Chairman Patricia Rush called the Chatham Borough Planning Board meeting of October 11, 2006 to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. Mrs. Rush announced that all legal notices had been posted for this meeting.

Members Present:

Chairman Patricia Rush, H.H. Montague, David Gerridge, Bill Jankowski, Alison Pignatello, Thomas Sennett, Councilman Bruce Harris, Mayor Richard Plambeck.

Charles W. Foster, Esq., attorney for the Board, was present.

Members Absent:

John Hague

This meeting was televised live on Channel 21.

Shailja, LLC Dunkin' Donuts/Baskin Robbins–118 Main Street, Block 53, Lot 32
Preliminary & Final Site Plan

Mrs. Rush stated that the application being heard tonight is for Preliminary and Final Site Plan approval for the demolition of an existing gas station and the construction of a Dunkin' Donuts/Baskin Robbins Store at 118-122 Main Street. This property is in the Historic District and the B-3 District. The B-3 District is one of the business zones in the Borough where this store would be a permitted use. The corporation seeking the approval is the Shailja Corporation.

Mrs. Rush explained to the audience the procedures which the Board follows during hearings.

Mrs. Rush introduced the following professionals representing Dunkin' Donuts/Baskin Robbins:

Brian Burns, attorney for the applicant

Frank Truilo, the architect

Laurence Murphy, the engineer

Elizabeth Dolan, the traffic engineer

Vincent DeNave, the Chatham Borough Engineer, was present.

Mr. Burns noted that Board members should have two sets of plans before them. One set should be a set of architectural plans by Frank Truilo, dated Aug. 9, 2006. The second set should be site plans by Bohler Engineering. The date on these site plans is

March 3, 2006. Mr. Burns noted that the Board should have the one sheet hand-out that he prepared.

Mrs. Rush swore in Mr. Truilo and Mr. Murphy to testify.

Mr. Burns reviewed Mr. Truilo's professional credentials. The Board accepted his credentials.

Mr. Truilo submitted the following exhibits:

Exhibit A-1, proposed front elevation facing Main Street

Exhibit A-2, side elevations & rear elevation

Exhibit A-3, perspective drawing taken from Hedges Ave.

Exhibit A-4, Drawing A-3

Exhibit A-5, proposed building sign & proposed monument sign

Exhibit A-6, roof shingles

Exhibit A-7, clap-board siding

Exhibit A-8, trim board

Mr. Burns asked Mr. Truilo to describe what the building will look like from the outside and how it evolved to what it is today.

Mr. Truilo testified that this project was started about 2 ½ years ago. He stated that this proposed building will be unique because of its context. The applicant respects the fact that he is proposing to build in the Borough's Historic District. The prototype which Dunkin' Donuts had wanted to build was identical to their store in Madison. In 2003, the Dunkin' Donuts store in Madison was re-modeled. Dunkin' Donuts wanted the Chatham Dunkin' Donuts to match their Madison store for consistency. Mr. Truilo reported that since that time he has proposed a more Colonial-looking building for the Chatham store.

Mr. Truilo stated that a Dunkin' Donuts store usually has a drive-thru for customers. In the case of Chatham Borough, it was felt that a drive-thru would not be appropriate because of the residents living behind the store.

Mr. Truilo noted that a Dunkin' Donuts store usually has baking done on their premises. The Chatham store will not do baking. Baking for the Chatham store will be done at a central kitchen in Totowa, NJ. Baked products will be arriving twice a day at the Chatham store. There will be no discernible baking odors at the Chatham store.

Mr. Truilo pointed out that most Dunkin' Donuts stores are open 24 hours a day; however, the Chatham store will abide by the hours specified by the Borough ordinance.

Mr. Truilo noted that most Dunkin' Donuts stores receive their deliveries from tractor trailers. Dunkin' Donuts will have other type delivery trucks visiting the site. Testimony will be given on the delivery aspect later in the hearing.

Mr. Truilo reported that Dunkin' Donuts had worked closely with the Historic Preservation Commission on this application. Dunkin' Donuts has incorporated many of the Commission's suggestions. As a result, Mr. Truilo believed that Dunkin' Donuts now has a more 'New England Design' for their proposed building in Chatham.

Mr. Truilo testified that when the applicant had submitted the preliminary application, no setback variances were needed. The preliminary application had the proposed building complying fully with the setbacks on both Hedges Avenue and Main Street. With this plan, Mr. Truilo recalled that the Historic Preservation Commission (HPC) had noted that the building would sit at a slight angle towards Main Street, and they suggested the applicant rotate the building so it would squarely front Main Street. Dunkin' Donuts felt that proposal was a good idea and implemented it. As a result of this rotation, the rear corner, facing Hedges Ave., juts into the Hedges Ave. setback.

Mr. Burns asked Mr. Truilo what is the proposed minimum setback from Hedges Avenue.

Mr. Truilo answered 27.9 feet.

Mr. Truilo stated that initially the proposed building met all the setback criteria; however, when it was rotated to front squarely on Main Street, the setback situation on Hedges Avenue required a variance.

Mr. Truilo referred to Exhibit A-1, proposed front elevation on Main Street. He described the two gables on the proposed building. The front gable, at the center of the building, will project forward about 8 inches. This front gable will be well behind the front setback. The HPC had suggested this arrangement to further emphasize the entrance to the building. There will be another gable parallel with Main Street. A charcoal black roof shingle will be used for the building. This shingle will give a very layered appearance.

Mr. Truilo testified that Dunkin' Donuts had originally proposed vinyl siding for the building. The HPC asked the applicant to re-consider an alternate material which is commonly used in the Borough and Township for residential construction. This material is called Hardy Plank. It resembles wood; however, will not decay over time like real wood would experience over time. It is a very durable material. The material will be light grey. It is shown on Exhibit A-2.

Mr. Truilo testified that the trim board is made by Azek. This material is commonly used throughout the Borough and Township in residential construction. The proposed signage will be 20 sq. ft. The plans originally proposed an internally illuminated sign, similar to Valley National Bank on Main St. The HPC asked Dunkin' Donuts to consider an externally illuminated sign. Dunkin' Donuts complied with this suggestion. They are now proposing 3 black goose-neck external light fixtures on what looks like a wood-carved sign.

Mr. Truilo stated that a typical Dunkin Donuts awning consists of stripes of plum and orange colors. The HPC asked the applicant to re-consider something with a less circus-like appearance. Dunkin' Donuts is now proposing one solid color of plum for the awning. A fabric awning will be used, instead of vinyl.

Mr. Truilo put up Exhibit A-2, side and rear elevations. He pointed out the left elevation, facing Hedges Ave., which features two windows and two awnings. There is a flat portion on the roof with a screen around it. The two air conditioning units will be installed in that area. The AC units could not be installed on the gabled roof because the slope is too steep. It would also look very unattractive. Mr. Truilo said he then created a flat portion behind the gable, which will contain the A.C. units. The screening will measure 3 ft. 6 in. in height and will hide the A.C. units from public view. Another proposed feature will be a walk-in freezer box behind the building. A fence, matching the screening on the roof, will surround this freezer box.

Mr. Truilo noted that the rear elevation shows the screen around the walk-in box and the upper screening around the A.C. units. Mr. Montague asked what would be the distance from the building façade to the backside fence. Mr. Truilo answered that the walk-in box is 7 feet. The fence should be close to that same measurement. Mr. Montague said he would like to see dimensions on this exhibit. Mr. Burns said that aspect will be covered by the next witness. Mr. Burns clarified that the setback from the fence to the rear property line is 64.2 feet. Mr. Burns told Mr. Montague that more detailed dimensions will be put on the architectural drawings for the next hearing.

Mr. Truilo put Exhibit A-3, perspective drawing of Hedges Ave. Mr. Truilo explained that in order to generate this drawing, he took a photo while standing in the middle of Hedges Ave. facing Main Street. He superimposed what the Dunkin' Donuts building will look like, in 3 dimensions, with the surrounding existing buildings. He added a sidewalk along Hedges Avenue. The applicant is proposing Belgian block curbing inside the parking lot at the rear of the proposed building. Mr. Truilo pointed out the screening around the mechanical units on the top of the building. Below that feature, there will be a screen around the walk-in box. That screen will be generously landscaped. Mr. Truilo pointed out the proposed light fixtures which will be colonial in style. They will match what's on the building.

Mrs. Pignatello asked what type of material will be used for the fencing on the roof and the rear of the building.

Mr. Truilo answered that the applicant is proposing a white vinyl. It will not be a shiny vinyl. It will resemble wood.

Mayor Plambeck confirmed the proposed screening was a result of suggestions made by the HPC. He asked Mr. Truilo if he could show what the unit will look like. Mayor Plambeck pointed out that the screening is larger than what the Borough's fencing requirements allow.

Mr. Truilo answered that the height of the fence is approximately 8 ft. 6 in. high. This measurement is the height of the walk-in box. The walk-in box will have a grey finish on the outside, resembling a refrigeration box.

Mayor Plambeck asked if the walk-in box will have outside mechanicals to it.

Mr. Truilo said that the outside mechanicals will be installed on the upper roof, so as not to be seen. It will resemble an attractive shipping container.

Mayor Plambeck asked if the fencing will allow for a 50% opening.

Mr. Truilo answered yes, approximately.

Mr. Jankowski asked if there are any other communities with a Dunkin' Donuts building with a similar design.

Mr. Truilo answered that there is a Dunkin' Donuts on Route 10, Randolph NJ. The Randolph Dunkin' Donuts has a Colonial design to match a historic schoolhouse next door.

Mr. Burns asked Mr. Truilo if the setback on Hedges Avenue is 27.9 feet, what percentage of compliance that represents.

Mr. Truilo answered approximately 80%.

Mr. Burns confirmed with Mr. Truilo that the original design to put the freezer as part of the building was fully conforming. However, the HPC made a recommendation to change "the mass or the look" of the building. The applicant then responded with this latest proposed placement of the freezer.

Mr. Foster brought up the informal hearings held in April and May with the Dunkin' Donuts representatives and the HPC. What set of plans did the HPC look at?

Mr. Truilo answered that the HPC looked at a building façade having:

- 1) striped awnings
- 2) cupola
- 3) dormers

Mr. Truilo said that the HPC felt that the cupola was not in the best interests of Main Street. The HPC referred him to the Historic architectural guidelines, which discourage cupolas. The awnings were changed to a solid plum color. The proposed vinyl siding was changed to Hardy Plank. Originally the proposed building met all the setbacks on Hedges Avenue and on Main Street. The originally proposed sign was internally illuminated. Following the HPC's suggestion, Dunkin' Donuts is now proposing an externally illuminated sign with goose neck light fixtures.

Mayor Plambeck asked Mr. Truilo if the basic building dimensions, the gables, location of the front entrance are very much to what was originally proposed.

Mr. Truilo agreed, except the proposed front gable was pulled outward 8 inches to the front center of the building. Originally, the applicant proposed to have this gable flush with the building wall.

Mr. Foster confirmed with Mr. Truilo that the plans before the Board tonight have been re-submitted with the HPC.

Mr. Burns noted that the Board should have a follow-up report from the HPC dated September 20, 2006. This report was addressed to Len Taylor, Borough Zoning Officer. Board members couldn't seem to locate this report in their paperwork. Mr. Burns said he will make sure they all receive a copy of this report. In this report, the HPC had requested the applicant to modify the bollard lighting along the front sidewalks. Dunkin' Donuts is willing to work with the HPC to come up with an acceptable alternate.

Mr. Truilo testified that he had submitted a report to Mrs. Zmijeski regarding the revised bollard lighting for consideration. The bollards on the front walkway originally looked industrial. The applicant will try and make the revised bollards look more in keeping with the colonial design.

Mr. Foster said he and the Board should have a written report submitted by the HPC regarding the plans before them tonight. Also, the HPC should submit a letter stating that they were satisfied that the new proposed changes solve the concerns they had in their June letter.

Mr. Montague confirmed with Mr. Truilo that the HPC had received landscaping and lighting plans. The HPC had commented on the landscaping plans and found them acceptable.

Mr. Truilo added that he had re-submitted the proposed bollard lighting plans to Mrs. Zmijeski on Monday. Also re-submitted to her was the proposal for the utility light over the back delivery door.

Mr. Truilo said he will make sure the HPC sends an updated report to the Planning Board members.

Mr. Gerridge brought up the parking requirements in this application. He quoted the LDO regulations for retail parking in this situation as 1 parking space for every 200 sq. ft. Mr. Gerridge felt that Dunkin' Donuts was an eating establishment that has more than 200 sq. ft. devoted to customer service and a dining area of more than 6 seats. According the LDO, Dunkin' Donuts has to provide a parking space for 50 sq. ft. of customer service and dining area.

Mr. DeNave noted that he and the Zoning Officer, Mr. Taylor, had met with the Dunkin' Donuts representatives. Mr. Taylor and the Dunkin' Donuts engineer reviewed these particular calculations. Mr. Taylor divided up the space and told him what parking would be required as he interpreted the ordinance. These calculations before the Board tonight are the ones provided by Mr. Taylor to the applicant.

Mr. Gerridge said he didn't agree with Mr. Taylor's interpretation. Mr. Gerridge believed the Dunkin Donuts store is an eating & drinking establishment, rather than a retail establishment.

Mrs. Rush noted that the Board has to look at this issue again. If this business is considered an eating & drinking establishment, the requirement for parking is greater.

Mr. Burns said the way he read the ordinance, and if the business is an eating & drinking establishment then one space is required for every 50 sq. ft. for customer service and dining area. He calculated the square footage of the establishment which is devoted to that use. It came out to almost 500 sq. ft. which equaled 11 parking spaces.

Mayor Plambeck noted that the Board does not have these calculations.

Mr. Burns said, in that case, he will ask Mr. Truilo to mark the calculations he had prepared as Exhibit A-12. Exhibit A-12 was then handed over to the Board to look at.

Mr. Montague asked if any vans or delivery trucks will be stored in the parking area for more than an hour.

Mr. Burns answered no, there will be no vans parked over night.

Mr. Montague asked what would be the size of the delivery trucks.

Mr. Burns answered that they would be single unit box trucks, measuring 28 to 30 feet.

Mrs. Pignatello asked if there would be a proposed time for deliveries.

Mr. Burns believed the early morning delivery of donuts would be somewhere between 4 a.m. to 5 a.m. Any other deliveries will occur at off peak hours. An average of 3 trucks a day will visit the site.

Mrs. Rush asked that of those 3 trucks, will different commodities be delivered.

Mr. Burns answered yes.

Councilman Harris asked how many employees would be on the premises at any one time—at the maximum shift. Also, where will these employees park?

Mr. Burns answered that there will be 4 to 5 employees. Currently they will park on site. The projected number of employee cars would be 2 to 3.

Mr. Montague asked about the over-lap of cars when one employee arrives and one departs.

Mr. Burns stated the maximum shift change would occur at 1:30 p.m. which is off-peak time. As for parking at that time, there could be up to 6 parking spaces taken up by employees.

Mr. Burns clarified that the main shift would start in the early morning, 6 a.m. to 1:30 p.m. This shift would consist of 4 to 5 employees. The later shift in the afternoon would consist of 3 employees. The evening shift which would end at 11 p.m. will have 2 employees.

Mr. Montague asked if head-in parking will be allowed on the site. Will the parking area be marked in anyway to control that situation.

Mr. Burns pointed out that the parking spaces measure at 90 degrees. He believed that motorists will arrive and depart as circumstances permit.

Mr. Montague believed an issue will come up in this situation. He pointed out many times employees will take the time to back rear first into a parking space. If this method of parking is the mode, then, at peak times, there will be a back-up of vehicles waiting to park.

Mr. Burns said Dunkin' Donuts will then instruct their employees to park their vehicles nose first, instead of backing their vehicle into the parking spaces.

Mrs. Rush noted that currently parking is allowed on Hedges. That was a concern expressed by the residents.

Mr. Burns called Laurence Murphy to come forward. Mr. Murphy submitted his credentials as a licensed professional engineer. He is employed by Bohlen Engineering. The Board accepted Mr. Murphy's credentials.

Mr. Murphy submitted the following exhibits:
Exhibit A-9, aerial exhibit illustrating the site, overlaying the proposed site improvements over the lot in question
Exhibit A-10, colored rendering of the Site Plan Sheet Overlaid with the Landscape Plan
Exhibit A-11, truck circulation plan

Mr. Burns asked Mr. Murphy to describe what currently exists on the property and its surroundings.

Mr. Murphy brought up a boundary and topographic survey that had been submitted to the Board.

Mr. Murphy testified that currently there is a vacant gas station on the site. It is situated along the western property line on Hedges Ave. There is a gravel parking lot between the front of the building and Main Street. There are 5 driveway access points on site, three on Main Street and two on Hedges Ave. The site slopes from Main Street to the north property line. Currently all the utility services that service the gas station are within Main Street and Hedges Ave. The site is currently fenced. The soil has been turned up because some on-going remediation is taking place.

Mr. Burns asked Mr. Murphy to describe the proposals for re-developing the site.

Mr. Murphy testified that the applicant is proposing to demolish the existing building and remove the existing site improvements. These site improvements will be replaced with a 1,834 sq. ft., one story, Dunkin' Donuts/Baskin Robbins building. Access to the site will be gained via a 24 ft. driveway on Main Street and a 24 ft. driveway on Hedges Ave. The 5 existing driveways will be eliminated. Fifteen parking spaces are being proposed on the site. Nine spaces will be along the rear property line to the north. Six spaces will be along the eastern property line. One of the six spaces along the east property line will be a van accessible handicap space. The handicap space has been located in that particular area so it may be as close as possible to the building.

Mrs. Pignatello asked Mr. Murphy if he knew the size of the 5 existing driveways. She would like to see a comparison between the proposed and existing driveways in regard to width.

Mr. Murphy described the existing driveway on the eastern portion of Main Street. This driveway is approximately 5 feet off the eastern property line and is 36 feet wide. The second driveway, going west, is located directly in front of the south building corner. It measures 24 feet. The last existing driveway is 29 feet wide. It is located very close to the intersection. Dunkin' Donuts is proposing a driveway further away than the two nearest existing driveways. The applicant is trying to pull its driveway further away from the intersection. The existing driveway, 30 feet in width, is in very close proximity to the intersection. It starts at the curb return of Main St. and Hedges Ave. The last driveway, located west of west building corner, is 32 feet.

Mr. Murphy testified that there is a safety benefit with the applicant providing a greater separation of driveways from the intersection. This will provide drivers with greater timed sight/visibility. Drivers will also be provided with more reaction time. Conflicting movements will not occur.

Mr. Murphy noted that the applicant is proposing 15 parking spaces. Those parking spaces will be sized to comply with the ordinance. Each space will measure 9 feet wide and 18 feet long.

Regarding stormwater, Mr. Murphy testified that there is a small increase of pavement on site. It will measure 3,000 sq. ft. There is a good chance that the applicant may not have to do any stormwater control on site because of the minor increase of proposed pavement. Nevertheless, the applicant is proposing a stormwater management system, consisting of an underground basin, to handle and control the run-off from the site. This proposed system will also improve conditions on site. The applicant is proposing a collection system on site, consisting of inlets and storm pipes which convey the water to the underground detention basin. That basin, at a controlled rate, will release that water from the site and discharge it to the conveyance system within Hedges Avenue. This proposed arrangement will meet the DEP 2004 regulations which require reductions in run-off rates. The stormwater, currently being released from this site, will be reduced by 50% for the 2-year storm, 75% for the 10-year storm, and 80% for the 100-year storm.

Mr. DeNave, the Borough Engineer, asked Mr. Murphy to explain why he chose not to do any type of re-charge for this site.

Mr. Murphy answered that given the history of this site, with the contaminants on the site, he and the applicant did not feel it was appropriate to put more water into the ground. They did not want to exacerbate the flow of water. Instead, he and the applicant are designing as water-tight system as they can. They are proposing water tight gaskets and grouted all the structures to mitigate the amount of water which will seep out of the structure.

Mr. DeNave noted that there is a very high groundwater table in certain areas on the site.

Mr. Murphy agreed, pointing out along the northern portion of the site there is high ground water which is basically a foot and a half below the surface, along the north property line.

Mr. DeNave asked Mr. Truilo if he believed there would be no problem based on the high ground table, because it's an enclosed system.

Mr. Truilo answered yes. The system was designed to account for the ground water table.

Mayor Plambeck asked for testimony on the contamination/remediation work on this site and the status of this work.

Mr. Burns noted that Dunkin' Donuts is a lessee of this site. The clean-up process is being undertaken by other entities. Mr. Burns stated that he has had conversations with the environmental consultant of the owner. Mr. Burns understood that the clean-up is on-going, there has been removal of all of the underground tanks, and there has been removal of substantially all of the contaminated soils to meet DEP criteria.

Mr. Burns said he was told that there had been active remediation of ground water in the past. Currently the plan of those doing the remediation is to achieve DEP's goals for

groundwater through natural attenuation. In terms of site planning, the applicant wants to make sure the contaminated soil is removed before any of the site plan improvements begin. The applicant also wants to make sure that monitoring wells are located in a spot where they can continue to do their job, but will not interfere with the construction.

Mayor Plambeck stated that because an eating establishment is being proposed, contamination and ground water are serious concerns. He believed the property adjacent to this site was purchased by Exxon-Mobil because it contains contamination as well. Mayor Plambeck said that the history and the current remediation status of that adjacent property are also important.

Mr. Burns said that he could not give the status findings of the adjacent property. He agreed with Mayor Plambeck's statement that this neighboring property was purchased Mobil because the lot was contaminated.

Mrs. Pignatello asked if there had been recent rounds of sampling. Also, do they intend to speed the natural attenuation process with bio-remediation?

Mr. Burns answered that he didn't know the last time samplings were taken. He will find out.

Mr. Jankowski said he believed samples have to be taken every 6 months according to a letter from the DEP dated 1993.

Mr. Burns said he will try to get more information on this concern.

Mr. DeNave confirmed with Mr. Burns that EWMA is the environmental consultant. Mr. DeNave asked if EWMA could provide the Board with a letter giving the status of the soil.

Mr. Burns said he will ask EWMA to do that. He hopes they will honor that request.

Mrs. Pignatello asked if, in that letter, EWMA could identify the case manager at the NJDEP.

Mr. Burns took note of this request.

Mrs. Rush noted that Jay Stewart, Chair of the Borough Environmental Commission, researched the DEP web site and found no news on this situation.

Mr. Burns asked Mr. Murphy to testify on the proposed lighting.

Mr. Murphy testified that the applicant has designed the lighting plan to provide adequate and safe illumination throughout the site. This will be achieved with four decorative area lights. These lights will be of a colonial style or a carriage style in keeping with the style of the building. They will be located in the parking area and will provide illumination in

that section. The lights will be 14 feet high. These light fixtures will have zero spill-over along the northern property line, so as not to impact residential buildings. Also proposed are 4 decorative building mounted lights. Two of these lights will be facing Main Street and two will be facing the eastern property line. These decorative lights will be 6 ft. 8 in. in height and will produce 60 watts. Two bollard lights are being proposed to light the walkway for visitors walking from the store's main entrance to Main Street. These bollard lights will measure 3 ½ feet high and will produce 70 watts.

Mr. Burns confirmed with Mr. Murphy that Dunkin' Donuts will be meeting with the HPC to see if an alternative could be found in place of the bollard lights. At Mr. Montague's request, Mr. Murphy pointed out the location of these lights on the lighting plans.

Mr. Montague asked what type of shielding would be used on the light fixtures.

Mr. Murphy answered that the light itself is housed within the upper part of the light. The light will shine down. The applicant can select a shield to direct the light away from residents' houses. Mr. Montague said he felt the residents would like that particular shielding used. Mr. Murphy said he would be happy to include that shielding.

Mr. Foster asked how high the lamps will stand from the parking surface.

Mr. Murphy answered 14 feet high.

Mr. Montague asked how these lights would be turned on and off.

Mr. Murphy answered that the lights are wired to the building. A circuit inside the building will turn them on and off. The applicant's architect can testify on whether or not a timer will be used.

Mr. Burns said the applicant can agree to put these lights on a timer with a shut-off timer. Perhaps the Board would like to coordinate with the Police Department regarding security lighting. Mr. Montague suggested that the applicant should be able to control the lights on a separate basis.

Mr. Sennett asked about the house sitting behind the site. Is someone occupying that home?

Mr. Burns said that house is currently vacant.

Mr. Sennett asked that this house be marked on the plans. He pointed out that the Borough's lighting ordinance prescribes that lights could not be mounted higher than the bottom of the second story window of a house.

Mr. Burns said he would get material showing the elevation of the second story window of the vacant house.

Also concerning the lighting, Mr. Montague asked if there was any landscape screening in the back of the lot.

Mr. Burns answered yes.

Mr. Burns confirmed with Mr. Murphy that the foot candles shown on the drawing, do not take into account the proposed vegetation to be planted. Mr. Burns and Mr. Murphy noted that the Borough ordinance has a maximum limit at the property line of 0.8 foot candle. The proposed lighting is far below this maximum limit. The proposed vegetation will probably drop the foot candle level even lower.

Mr. Murphy testified that a 15 ft. buffer line will be planted along the north property line. This buffer line will consist of evergreen trees. At planting, these trees will measure 6 to 7 feet high. The buffer will have 10 Canadian hemlocks, 6 white pines, and a 5 ft. high fence to provide additional screening for the residents. Extensive landscaping will be done around the proposed building, along Hedges Ave., the parking field, and the trash enclosure on the northeast side of the site and along the eastern property line. The plantings will total in excess of 222 plants.

Mr. Montague asked how these trees would be maintained.

Mr. Murphy stated that there will be a one year guarantee from the contractor to insure that the trees are adequately watered. After this one year "break-in time", these trees should take hold and grow. Mr. Murphy believed the applicant will replace any tree that dies.

Mr. Montague noted that in the Borough, particularly around utility towers, the deer have been known to eat evergreens. Mr. Montague felt that the one year guarantee proposed by the applicant will not solve the problem. He asked Mr. Murphy to look for the best deer-proof tree he can find.

Concerning the deer problem, Mayor Plambeck asked Mr. Murphy to consider planting higher trees. If the trees are planted, starting at 12 to 15 feet, they will provide screening at an upper level, above the proposed 5 ft. fence. Mr. Burns said he and the applicant will take that suggestion under consideration.

Mr. Burns confirmed with Mr. Murphy that there will be a trash storage area in the back. Mr. Burns asked if there would be a trash storage area inside as well.

Mr. Murphy answered that there will be "an interior trash room" which will store perishable and food garbage within the building, preventing the trash from being stored in the outside trash enclosure. The outside trash enclosure will provide storage for non-perishable garbage, paper products, cups, etc. This enclosure will be completely enclosed. It fronts three sides and will have a board-on-board gate in the front. The applicant is proposing a fence to go around the perimeter of the property. The board-on-board fence will be 5 feet high. It will be open at the top.

Mrs. Rush asked where the indoor garbage will eventually go. Will it go to the dumpster to be picked up?

Mr. Murphy said during the day the trash will be taken outside on the designated day for trash pick-up.

Mrs. Rush asked if those two actions will be coordinated to happen simultaneously.

Mr. Murphy admitted that the garbage truck will not be instantly there when the trash is placed in the dumpster. He clarified that the trash will be ready for the designated morning for the trash hauler to pick up. There may be a gap of an hour or two between having the trash put out and the actual arrival of the garbage truck. The applicant will make a strong attempt to coordinate those two actions.

Mrs. Rush asked what would be the means of disposal of trash by customers leaving this Dunkin' Donuts.

Mr. Murphy said the applicant could provide a trash receptacle to take that particular waste. It will be an attractive receptacle, matching the building's architecture.

Mr. Murphy testified that there will be recycling bins inside the store.

Mr. Montague asked about liquid garbage.

Mr. Burns said that he believed cups and bottles with soda, ice tea, etc. will be dumped out rather than be stored out in the trash.

Mr. Foster noted that on the applicant's landscaping plan, a provision has been included for site easements. It is indicated that the plantings at the corner of Hedges Avenue and Main Street would not violate sight easement. Mr. Foster said he didn't see a sight easement drawn on the site plan or any other plans. He pointed out the Dunkin' Donuts' free-standing sign in what will be the sight easement.

Mr. Murphy pointed out that the applicant has a sight triangle easement shown throughout the entire set of site plan documents.

Mr. Foster asked Mr. Murphy to explain why it is different from what is called for in the ordinance.

Mr. Burns asked Mr. Murphy if the sight triangles shown on the drawings are for the driveway.

Mr. Murphy said yes; also, there is one for the Hedges Ave. and Main Street intersection. That is shown on Sheet 3.

Mr. Foster said he still didn't see the 25 ft. sight triangle specified by the ordinance.

Mr. Murphy said those triangles aren't used. He is utilizing ARSHTEL sight triangles.

Mr. Foster confirmed with Mr. Murphy that he is using the formula required for residences under the Residential Site Improvement Standards. It was also a DOT standard.

Mr. Foster asked if the applicant wanted a variance for the sight triangle.

Mr. Burns said he will go over the ordinance requirements for the sight triangle and be in touch with Mr. Foster. Mr. Burns said he will make sure this situation conforms to the regulations.

Mr. Foster reminded Mr. Burns that the proposed free-standing sign is in the middle of the sight triangle.

Mr. Foster pointed out another item on the plans. Near the intersection of Hedges Ave. and Main St., there is a dark line running parallel to the property line with the notation NJ DOT DTS (78 ft. right-of-way).

Mr. Burns explained that item is the DOT's "typical desired section" for this road. "DTS" stands for "Desired Total Section". Mr. Burns said the traffic engineer can expand on this situation.

Mr. Burns confirmed with Mr. Murphy that the DOT expects him to show that particular lines on his drawings. The DOT requires these lines because some time in the future, the State may want to take that land. Mr. Burns also confirmed with Mr. Murphy that the DOT has not taken any additional right-of-way on this property on Main Street.

Mr. Burns was asked if this site will be supplied with all utilities—water, sewer, electric, telephone, gas.

Mr. Burns answered yes.

Mr. Montague answered if the utilities will be overhead or underground.

Mr. Burns answered that all the new services for telephone and electrical will be underground.

Mayor Plambeck asked if any communication devices, such as satellite dishes, will be visible on the building.

Mr. Burns said the applicant's architect will answer that question.

Mr. DeNave noted that he is currently working on a streetscape project for the Borough. He referred Mr. Murphy and Mr. Burns to the sidewalk fronting Main Street in front of their proposed store. He asked if the applicant objected to scoring that sidewalk with a 2 by 2 pattern.

Mr. Murphy said he believed the applicant would not object to the scoring in a typical fashion desired by the Borough.

Mr. DeNave informed Mr. Murphy that he will be in touch with him when the streetscape project is finalized.

Mr. DeNave asked Mr. Murphy and Mr. Burns if they objected to anything in his (Mr. DeNave's) engineering report.

Mr. Murphy noted that Mr. DeNave had asked for a No Further Action (NFA) Letter prior to moving forward with this site.

Mr. Burns recalled that he had spoken with Mr. DeNave about this matter. Mr. Burns said they had discussed the timing of an issuance of a NFA letter. Mr. Burns said he will coordinate with Mr. DeNave and make sure that the clean-up has taken place to such a level that it won't interfere with the proposed development.

Mrs. Rush confirmed with Mr. Burns that construction could begin prior to the NFA letter.

Mr. Burns noted that the DEP moves very slow. If the applicant waited for the NFA letter, the site will probably lay dormant for another two years.

Councilman Harris asked if it was possible that there's an approved remediation plan still being undertaken and that factor is preventing an issuance of a No Further Action letter.

Mr. Burns felt the real problem is the time that it takes the DEP to get around to issuing the necessary paperwork. Mr. Burns said that the applicant will tell the Board the criteria which they (the applicant) will have to meet. The applicant does not want their improvements to be disrupted. The plan of action will be something short of a NFA letter, because the applicant is not bound by the DEP.

Mr. Sennett asked if Dunkin Donuts and Baskin Robbins will be operating as one business entity, or will they be two separate business operating in the building.

Mr. Burns answered that they function as one business operation. This combination of Dunkin Donuts and Baskin Robbins being proposed for Chatham Borough is a typical arrangement for them. They are affiliated companies.

Mr. Sennett pointed out that the Borough's sign ordinance allows for only one sign per business occupant. He felt the proposed sign appeared as two separate signs.

Mr. Foster asked Mr. Burns if Dunkin' Donuts and Baskin Robbins could be characterized as divisions of the same corporation.

Mr. Burns said that would be a fair representation.

Mr. Sennett still felt that the proposed sign didn't comply with the ordinance. It still looked like two separate signs to him.

Mr. Burns pointed out that the proposed sign just has a long name to it.

At 9:25 p.m. a break was taken in the meeting.

At 9:32 p.m. the meeting resumed.

Mr. Burns called his next witness, Elizabeth Dolan.

Elizabeth Dolan was sworn in to testify. Mrs. Dolan submitted her credentials as a professional engineer, specializing in traffic and transportation engineering. The Board accepted her credentials.

Mr. Burns confirmed with Mrs. Dolan that she was covering tonight for Gary Dean, who prepared a traffic report which has been submitted to the Board. She stated that she is familiar with the site under discussion.

Mr. Burns asked Mrs. Dolan to review the traffic impact analysis.

Mrs. Dolan testified that this traffic analysis focuses on the traditional morning peak street hour activity, which is when Dunkin' Donuts generates its maximum business. Dunkin' Donuts busiest activity time coincides with the morning rush hour when people are driving to work.

Mrs. Dolan pointed out that when her firm was first retained to perform this study, it was summertime. The submitted traffic study focuses on traffic counts conducted in July; however, since that time her firm has returned to the site and conducted traffic counts in October. The focus of the study initiated with a review of the existing conditions for Main Street at Hedges Avenue. This is an unsignalized intersection with a stop control on Hedges Avenue. Main Street is under state highway jurisdiction.

Mrs. Dolan testified that the building will be located in between two traffic signals that are about 900 ft to 1,000 ft. in either direction from the building.

Mrs. Dolan noted that earlier there was a question about the 'DTS' noted on the plans. DTS stands for the State's 'Desirable Typical Section'. Ultimately the State and the State Highway Management Code has designated Route 124, in this particular area, as hopefully being a 4-lane roadway with no shoulders. That is where the 'Desirable Typical

Section' of 78 feet comes from. Dunkin' Donuts will be required to submit an access permit application to NJ DOT in order to eliminate the existing driveways and construct the new driveways. When the applicant files with the DOT, the DTS line must be included so that they acknowledge that some day, in the future, when DOT plans an improvement; they may be approaching the applicant to obtain more property.

Mrs. Dolan testified that her firm initiated the traffic counts. She pointed out that the proposed site is on somewhat of a commuter corridor. The site will be attracting coffee and breakfast customers in the morning. Mrs. Dolan stated that traffic counts were initiated at 6:45 a.m. and continued until 9:00 a.m. Those counts go back to July 18, 2006, mid-week. The peak hours had been isolated, from 8:00 a.m. to 9:00 a.m. This is the one of the busiest hours when traffic flows highest on Main Street at Hedges Avenue. The goal of the traffic study was to combine those highest street volumes with the maximum anticipated Dunkin' Donuts driveway activity. Mrs. Dolan stated that she and her firm are studying that worst case scenario. She is assuming that Dunkin' Donuts will be busiest when the street traffic is busiest.

Mrs. Dolan said she and her firm returned to the site on October 6th to update the traffic counts in preparation for tonight's hearing. Her firm did not find any real change to the traffic volume during the morning peak hour. It's roughly 800 vehicles per direction. The count was repeated and found to be the same. Regarding the traffic coming off of Hedges Ave., Mrs. Dolan testified that there was a slight deduction from what was recorded in July. In the count taken in July during peak hours, 69 vehicles came out of Hedges Avenue. Last Friday, only 49 vehicles came out of Hedges. The situation reversed for vehicles going into Hedges Avenue. During the July peak hours, 25 vehicles entered Hedges Ave. In October, 54 vehicles entered Hedges Ave. The volume of traffic on Main Street remained virtually the same.

Mrs. Dolan said after the existing traffic counts are taken, the levels of service are taken into consideration. She explained that levels of service are used to evaluate how well intersection movements are operating. A grading system A through F is used. "A" indicates little or no delay. "F" indicates a failure condition. Mrs. Dolan pointed out that there is a continuous traffic stream during peak hours. This particular traffic stream results in a service level "F", exiting Hedges Ave. during the morning peak hour.

Mrs. Dolan testified that another critical movement is the left turn from Main Street onto Hedges Avenue. That movement does not require a gap in two-way flow. It just requires a break in the westbound flow. That movement is found to operate with much less delay. Mrs. Dolan stated that her firm calculated a Level "A" for the left turn movement from Main Street onto Hedges Ave. during the morning peak hour, 8 a.m. to 9 a.m.

Mrs. Dolan stated that the next step of the traffic study is to forecast into the future when Dunkin' Donuts is operating at this location. The background growth in traffic has to be looked at. The Dunkin' Donuts traffic has to be taken into consideration. Mrs. Dolan said that the State provides background growth rates for various roadway classifications. For this particular area, the State has a background growth rate of 2.25% per year. That rate

was applied out for one year to the existing traffic volumes to project to a 2007 design year.

For the Dunkin' Donuts, Mrs. Dolan said the 7th trip generation was referenced, there is a generation category called "coffee shop". There is another generation category called "fast food restaurant". Mrs. Dolan said her firm looked at both of these categories and utilized the "coffee shop" category numbers. Her firm estimated that during the morning peak hour, the Dunkin' Donuts site may be visited by an average of 68 vehicles in an hour. Mr. Montague confirmed with Mrs. Dolan that the primary exit from the Dunkin' Donuts site would be onto Main Street. Mrs. Dolan believed there would be very little traffic exiting on to Hedges Avenue. She felt that the motorists leaving this site won't want to make left turns into and out of the site. It would be a difficult maneuver. She predicted a right turn in and right turn out flow will predominate. There will probably be a moderate number of left turns.

Councilman Harris confirmed with Mrs. Dolan that this moderate number would be 18 motorists making a left turn back out onto Main Street. Councilman Harris pointed out that number was almost a third of these vehicles visiting the site.

Mrs. Dolan said her firm was trying to model what they felt was an "over projection" or a "worst case assessment". Studies reveal that 80% of the people who will visit the Dunkin' Donuts site are already driving on Main Street. However, for this particular analysis, Mrs. Dolan predicted 50%. It is not absolutely clear how popular this site will prove to be.

Mrs. Dolan and Mr. Montague reviewed the numbers on Figure 4 of the traffic report.

Mrs. Rush asked if the figure 66 represented vehicles entering the site using both Hedges Avenue and the driveway on Main Street.

Mrs. Dolan answered yes.

Mr. Gerridge asked about the volume of vehicles which would come from the condos on Passaic Ave. in Florham Park. He believed these particular drivers will probably now make a left on Weston Ave. and a right on Hedges Ave. and pull into the site for their coffee and exit onto Hedges Ave. He asked how this traffic pattern would factor in.

Mrs. Dolan said she factors in the distribution based upon the traffic flows as her firm recorded them. Her firm looks at the roadway system and the type of activity that these types of uses generate. Mrs. Dolan pointed out that these figures are an estimate, not an exact science. If there looks as though there will be an impact on residents, perhaps signage could be installed to deter certain traffic movements. Mrs. Dolan still believed that largely the traffic will be arriving from where the higher concentration of traffic exists, namely Main Street.

Mayor Plambeck referred Mrs. Dolan to Figure 2, which showed 56 cars coming out of Hedges Ave. and making a left hand turn on Main Street. That number is more than just Hedges Ave. residents exiting Hedges Ave. Mayor Plambeck believed some of those 56 cars were cut-thru traffic from other locations. He felt that the proposed Dunkin' Donuts would be an attraction for drivers to that particular point on Hedges Ave. and Main St.

Mrs. Dolan noted that Dunkin' Donuts will be an attraction for drivers, as well as the prior gas station did at that location.

Mayor Plambeck noted that Mrs. Dolan has stated these are estimates. She has used the standard manuals for the counts. Mayor Plambeck pointed out that there is a 'live example' of Dunkin' Donuts in Madison. He asked if there have been traffic counts for that location. If so, how would Mrs. Dolan compare them to what she is showing for the proposed Chatham location?

Mrs. Dolan said she didn't believe Gary Dean, the official traffic engineer, has counted the traffic at the Madison location. She and Mr. Dean have counted other locations, such as the ones on Route 22. If the Madison location has slightly higher numbers, then there will be delays. Self-policing takes place. Mrs. Dolan believed with convenience stores like Dunkin' Donuts, Quick Chek, etc. on an undivided roadway, will have a predominant flow of right turn in and right turn out. Drivers in this situation are usually in a hurry and don't want to deal with left turns.

Mayor Plambeck believed that people driving to their office complexes in Morris County will probably be at the end of their ride. These drivers probably obtained their coffee on the ride in. These drivers would be the pass-by traffic in the morning. Drivers traveling east-bound are just beginning their trip from Morris County heading towards Newark and NYC. These particular drivers desperately need their coffee to reach their destinations. Mayor Plambeck wondered how much these scenarios would affect the pass-by counts and the left-turn counts at the Chatham location.

Mrs. Dolan pointed out that in the traffic count was modeled to include a higher proportion of left turns than she normally would. The pass-by percentage is usually higher. In this particular situation in Chatham she used 50%.

Mayor Plambeck asked Mrs. Dolan if that percentage is high enough. He felt a driver will make a left turn to enter the site and, if going in the same direction, a left turn out. The driver will have to find two breaks in the traffic.

Mrs. Dolan reported that a level of service was calculated again for the proposed driveway. An 'E' level of service was calculated for the driveway. If the projections for the driveways are low, it's 80 cars in an hour versus 68, the amount of delay on the driveway, for vehicles waiting to exit onto Main Street, starts to increase. This could become unattractive for potential patrons if they realize that they have to wait a while to exit the premises.

Mrs. Dolan discussed another level of review for the State, since the applicant will be filing a major access permit application. Items such as traffic volumes, the turning movement information, and the plan for a 24 ft. driveway, will be reviewed at the State level.

Mr. Montague reported that when he counted the traffic this morning at the proposed site between 8 a.m. to 9 a.m., he counted 928 vehicles headed east and 919 going west. He observed that the westbound traffic was bumper to bumper. He could not see how any left-hand turn could be made. Mr. Montague couldn't see how the 17 left hand turns could be made without backing up the traffic on Main Street. He also felt that a driver trying to leave Dunkin' Donuts, encountering a wall of traffic on Main Street, will drive around and exit onto Hedges Ave.

Mrs. Dolan said, based on her experience, the left turn will be difficult. To turn right, exiting the premises, the driver will have to rely on a courtesy break. Not many left turns are made at these types of facilities. Mrs. Dolan felt that the Madison Dunkin' Donuts and the Chatham Dunkin' Donuts "will complement one another". The Madison Dunkin' Donuts will service the eastbound travelers and the Chatham Dunkin' Donuts will service those going westbound. Because of this arrangement, Mrs. Dolan believed the potential for left turns will be greatly reduced.

Mr. Montague asked how long a driver would wait until he/she abandons the ability to turn back onto Main Street and then tries to turn out onto Hedges Ave. How many minutes will he wait? One or two minutes?

Mrs. Dolan was sure that a driver would not wait two minutes. She believed that a driver would probably turn right onto Main Street, before trying to turn left.

Councilman Harris asked Mrs. Dolan if she had any of these delay calculations.

Mrs. Dolan answered yes; these calculations are included in the level of service definitions. These are average delays calculated based on random traffic flow. The average delay to exit Hedges Ave. would be 60 seconds.

Mr. Montague asked if someone wanted to make a left hand turn, what kind of a back-up will they cause.

Mrs. Dolan answered that they will cause "a delay for the through moving vehicle" in the morning peak period when there is a steady flow westbound. The driver will have to wait for a courtesy break in the traffic. That situation is in review at the State level. One of the provisions of the access code is not to impede the through-moving traffic. That movement is a real concern at the State level.

Mr. Gerridge asked Mrs. Dolan to explain what she means by "modeling" something for the DOT.

Mrs. Dolan explained that she is required to submit the TRIP generation estimates. These estimates reveal how many cars are expected to enter and exit the site at a peak hour and on a daily basis. A comparison is made with the former use, the gas station. She will also be submitting a detailed plan set that includes 500 feet of topographic information, east and west of the property, to show highway striping, traffic light locations, driveways, etc. A traffic control plan for the construction of the driveway has to be submitted. Mr. Gerridge confirmed with Mrs. Dolan that this won't be a computer model.

Mr. DeNave brought up the situation of a driver traveling westbound, pulling into the Chatham Dunkin' Donuts, and finding that there are no spaces for him to park. What will the driver then do?

Mrs. Dolan answered that parking is currently allowed on Hedges Ave. The driver could also continue west on Main Street and look for another coffee opportunity. She believed, however, that there is additional capacity in this parking lot to accommodate more demand than what is being looked at in the TRIP generation estimate.

Mr. DeNave asked what would be the downside to eliminating the turning movements out of the driveway exiting out onto Hedges Ave. If that turning movement was eliminated and only a left turn was permitted, would that impact anybody or anything?

Mrs. Dolan confirmed with Mr. DeNave that he meant that if a driver was exiting onto Hedges Ave. he/she could only turn back towards Main Street.

Mrs. Dolan answered that this scenario would have an impact on any of the neighbors in that general area of Hedges Avenue.

Mr. DeNave asked Mrs. Dolan if she felt the applicant would be willing to eliminate that turning movement.

Mrs. Dolan said she didn't know.

Mr. DeNave felt that turning movement was a real concern. He believed the store's parking lot will get filled. He felt that more than one car per minute will enter the site during certain times. He predicted the spill-over cars will park on Hedges Avenue.

Mrs. Dolan acknowledged the sensitivity of that situation. It would be something to explore.

Mr. DeNave noted that there is a vacant house behind the site. He suggested that a no parking sign be installed within walking distance of the store.

Mrs. Dolan agreed that if the Borough Council decided to prohibit parking in that area, that prohibition may address these vital concerns.

Councilman Harris felt that the prohibition of left turns from the Hedges Ave. exit would be extremely hard to enforce. That left turn is a very natural movement for drivers. He suggested perhaps that driveway be blocked completely during the morning rush hour.

Mrs. Dolan answered that would be a problem at the State level. The State highway Access Management Code governs these State Highway Accesses; however, there is also a provision that says the alternate access should be utilized. The idea behind that provision is not to over-burden one single location. To block off this driveway during peak hours would not be acceptable to DOT.

Councilman Harris asked Mrs. Dolan if she knew this for sure with DOT.

Mrs. Dolan answered that she did not know for sure; however, she has encountered the same type of concerns elsewhere. In this particular case, she believed that Hedges Avenue is not a "through street" or a "major or local collector". There is traffic filtering through there; however, it is not providing a connection like many of the side streets that she has seen in her past experiences with DOT. DOT believes that there is a demand or draw to and from the north, as in this particular case. That draw has to be accommodated.

Mrs. Dolan added that she didn't see a problem in prohibiting movements to and from Hedges Ave. northward, because it is not a road carrying a high volume of activity. She felt that the turning prohibitions may be approved before a lack of driveway on Hedges Avenue would be approved.

Mr. Sennett said that he has seen some driveways angled to encourage drivers to exit a specific direction. Commerce Bank on Main Street has such a driveway.

Mrs. Dolan stated that such a driveway would have to be channelized. The outbound radius would have to be made very tight to prevent a smooth right turn.

Mr. Sennett suggested a sign be put up to prohibit right turns.

Mrs. Dolan said a sign would have to be enforced on a regular basis.

Mr. Gerridge asked if such a sign, installed on private property, be enforced. He noted that the Dunkin' Donuts in Madison has a no left turn sign.

Mrs. Dolan answered yes, as long as there is a Title 39 on the property which is very common on commercial properties. These signs can then be enforced by the police department.

Mr. Gerridge felt that the Chatham Police Department had other situations to enforce in town. Such a sign would probably create even more work for them. Mr. Gerridge noted that Commerce Banks has a no left turn for their customers driving out onto Lafayette Ave. and drivers ignore it.

Mr. Gerridge still believed that drivers, after visiting the proposed Dunkin' Donuts, would consider for the sake of traveling time, to exit, drive down Hedges Ave., turn left on Weston Ave., and left on to Van Doren Ave. and drive up to the traffic light on Van Doren Ave. and Main St.

Mrs. Dolan agreed that cut-through traffic is occurring because drivers are looking for the path of least resistance. She said she wasn't sure if that would be an issue having to do with the Dunkin' Donuts. It is probably an issue of all of the volume out on Main Street and drivers trying to lessen their traveling time.

Mrs. Dolan felt that the drivers probably won't want to make a left turn out when leaving the Dunkin' Donuts premises. This is shown with the traffic patterns in the area. Drivers don't like using Main Street, so they cut through other streets.

Mrs. Rush asked Mrs. Dolan if she was suggesting that the southbound traffic on Hedges Avenue may ironically be reduced at peak hours with the advent of Dunkin' Donuts because there would be so many people coming out of Dunkin' Donuts that the cut-through drivers on Hedges Ave. would feel there would be too much wait time to get onto eastbound Main St.

Mayor Plambeck added that currently there are 56 cars, during peak hours, making a left turn coming out of Hedges Ave. He pointed out that the proposed Dunkin' Donuts will be adding traffic coming out of Dunkin' Donuts. This traffic, even it's turning right, will have to line up in the same traffic lane. Mayor Plambeck asked if it was possible that the Dunkin' Donuts turning movements would add to the traffic line-up and force drivers to consider other through streets like No. Summit Ave. or No. Hillside as cut-throughs.

Mrs. Dolan didn't consider this particular issue was a Dunkin' Donuts issue. She believed the Dunkin' Donuts customers will be using the driveway onto Main Street. There is already traffic volume on Hedges Avenue. If there is already traffic volume on Hedges Ave., Mrs. Dolan couldn't see why drivers would want to be included in that volume.

Mayor Plambeck suggested Mrs. Dolan walk the Board and the audience through the circulation pattern and explain why, or why not, a particular entrance to the site would be easier to use. Perhaps they are equal in terms of space and sight distances.

Mrs. Dolan stated that the way in which the site is laid out, there is parking on both sides of the building. She believed that the 6 spaces on the east side would probably be the preferred spaces because they are closest to the entrances ways to the building. The further a customer parks towards Hedges Ave., the further away he will be from the primary patron entrances to the building. She felt that the primary parking utilization will be closest to the 90 degree bend in the parking area. The least preferred parking spaces will be on the approach to Hedges Ave. These spaces will probably be designated for the Dunkin' Donuts employees.

Mrs. Dolan testified that both driveways will be 24 feet in width. There will be two 12 ft. lanes. Both driveways will have the ability to stack probably two cars before they actually enter the parking area. This proposed design is fully compliant with the New Jersey DOT. Both roadways will have sidewalks. Appropriate sight triangles have been included in the plans. Dunkin' Donuts is responsible in maintaining these sight triangles.

Mr. Montague referred Mrs. Dolan to her October traffic counts. He asked if she had found any difference in the traffic coming down Hedges Ave. and trying to get onto Main Street.

Mrs. Dolan answered that number of cars was a little lower. In July, there were 67 cars coming out of Hedges Ave. In October, when the counts were taken again, there were 49 cars.

Mr. Montague said this morning he saw 3 cars in one hour coming out of Hedges Ave. One car turned left onto Main Street and two turned right.

Mrs. Rush reported that she had counted 30 cars turning left onto Main Street on a Monday morning between 7 a.m. and 8 a.m. The count seems to fluctuate.

Councilman Harris asked if the traffic analysis could be made available to the Board.

Mrs. Dolan and Mr. Burns agreed to send a copy to the Board.

Mayor Plambeck noted that there have been traffic numbers recently published by Morris County in their work on their Circulation Element. These numbers indicate perhaps 30% of the traffic during school days is due to people taking kids to and from school, or teachers traveling to the schools. This is a significant increase over maybe 20 years ago, when only 10% of the students were driven to school. Nowadays 70% of the kids are driven to school. Mayor Plambeck asked Mrs. Dolan if she felt it was unusual to have roughly the same numbers both in July and in October.

Mrs. Dolan believed what is being seen is "the carrying capacity". She pointed out that there is only so much volume that can actually get through in an hour. She felt that the 800 number in the analysis is the number that can be physically processed in one lane on Route 124, Main Street, Chatham. This phenomenon has also occurred in Route 510 in Mendham Borough.

The Board briefly discussed the Madison Dunkin' Donuts. Mrs. Rush stated that she had observed that customers were driving in and out of that in site within 4 minutes.

Mr. Montague asked Mrs. Dolan if she ran a queuing model, what she would find. He felt that arrivals and departures don't operate on averages in most cases. He believed a queuing model would be helpful.

Mrs. Dolan said that she has done queuing models for drive-through lines. She explained why these type estimates don't work.

Returning to the proposed Chatham site, Mr. Burns asked Mrs. Dolan if the driveways would have adequate sight distance.

Mrs. Dolan answered yes. She testified that the driveways will be designed for vehicles to get in and out safely.

Mr. Burns asked Mrs. Dolan to state her conclusions.

Mrs. Dolan testified that she did not believe that the re-development of this property is going to have an adverse impact on the traffic conditions in the area. She noted that there are heavy flows of traffic going past the site; however, she believed the existing traffic volumes are going to be used to provide the business to this facility. The nature of a Dunkin' Donuts is comparable to many retail establishments. They look to cater to the traveling public. Mrs. Dolan reiterated that this proposed Dunkin' Donuts in Chatham will complement the existing eastbound Dunkin' Donuts in Madison. She believed there will be no negative impact on the traffic. Mrs. Dolan pointed out that Dunkin' Donuts will be "cleaning up" this particular site in terms of the number of access points. The applicant will be developing one driveway on the State highway which complies with the State Highway Access Management Code. The applicant also proposes to close up the driveway closest to Main Street on Hedges Ave. and construct a new driveway as far away as possible from the intersection. The applicant is thus reducing the number of conflict points.

Mrs. Rush invited comments and questions from the public for Mrs. Dolan.

Mary Jane Dobbs, 10 No. Summit Ave., stated that the numbers of people in the audience are present tonight because they do not want this Dunkin' Donuts. If this proposed store has to be accepted by the Board, she wanted to make sure that "every i is dotted and every t is crossed". Ms. Dobbs said she and the public wanted this project done correctly from the get-go.

Ms. Dobbs reminded the Board that they could deny a Site Plan application if the ingress and egress proposed by the plan creates unsafe and insufficient vehicle circulation on the site. That is clearly an issue already raised by the Board. Ms. Dobbs believed the proposed parking is a grave concern to both the Board and the public present tonight. She believed, judging from what was heard tonight, that there is not enough information to give the public and the Board any comfort that there won't be any queuing or stacking of cars on site. That in itself is enough for the Board to turn down the application outright.

Ms. Dobbs stated that since that vehicular traffic will be considered for an off-site condition, the Board has the power to require the applicant to re-design its plan. That can include requesting the applicant to have the outside roadway re-designed.

Ms. Dobbs believed that this proposed franchise really “can’t fit into the site that we have”. Traffic is a major concern. She recommended that the Board retain its own traffic expert and its own planning expert at the cost of the applicant. These experts can review the applicant’s traffic study, which Mrs. Dobbs believed was “very disingenuous” considering the applicant’s expert took a day in July and a Friday before a holiday weekend to conduct their study. Ms. Dobbs recommended that the traffic study be performed over a series of days. It should also encompass a Saturday during the height hours of traffic on Main Street. Ms. Dobbs also recommended that the volume per hour of the traffic at the Madison Dunkin’ Donuts be explored.

Ms. Dobbs asked the Board to make sure that the parking is sufficient at the proposed site in Chatham. If stacking and queuing occurs in the parking lot, it will create a dangerous condition that the residents do not need. Ms. Dobbs turned the microphone over to another Hedges Ave. resident who did his own study of the Madison Dunkin’ Donuts.

George Caviness, 27 Hedges Ave., distributed hand-outs to the Board. He identified himself as the person who made traffic counts at the Madison Dunkin’ Donuts. Mr. Caviness stated that he had sat in a neighboring parking lot, at Quick-Chek, from 7:10 a.m. to 7:43 a.m. During that time span, Mr. Caviness counted 85 cars. He showed the Board a photo of the cars parked illegally in the right of way on the site. Mr. Caviness showed another photo depicting the right turn only sign at which he counted 8 cars of the 85 cars, making a left turn onto Main St., Madison.

Mr. Caviness stated that also during that time span, he counted 13 cars in the street, waiting to get a parking space. He believed that these cars were either waiting for a parking space, or waiting for traffic to progress.

Mr. Caviness felt that not enough information has been given on this application to adequately make a decision. He felt Dunkin’ Donuts will be increasing the property taxes if their store is constructed at the proposed site.

Mr. Burns stated that Dunkin’ Donuts “could not tout the taxes”. He felt that this application is not a zoning issue. He pointed out that finances are not a zoning issue.

Mrs. Rush assured Mr. Caviness that the Board will take his point under consideration. She asked Mr. Caviness to give her and the Board a copy of his report.

Mr. Caviness brought up the reduction of the market values of the houses close to the proposed site.

Mr. Burns objected to that point. He pointed out that a use variance is not being proposed. The proposed Dunkin’ Donuts is a permitted use. He felt that there is no issue regarding market value.

Mr. Caviness explained that he bought his house in August. At this point in time, his house is being re-assessed. He noted that there is a property adjacent to 8 Hedges Ave., the vacant property behind the proposed site. Mr. Caviness had looked up on a web site that gave approximate property values. He made a comparison to what he had just paid for 27 Hedges Ave.

Mr. Burns objected again. He said he did not know anything about Zillow.Com the web site mentioned by Mr. Caviness. Mr. Burns stated he did not know who prepared this web site. The preparer of the web site is not present tonight. Mr. Burns reiterated that property values had nothing to do with a permitted use.

Mrs. Rush asked Mr. Caviness to just summarize his findings.

Mr. Caviness stated that the house next door to him was assessed at \$650,000. The house next to it is valued under \$600,000. Taking that into account with having this vacant contaminated property, the owner of the second house has a property reduction value of about 12%. Mr. Caviness said given the traffic which will be going through Hedges Ave., he believed everyone on the south end of Hedges Ave., North Hillside Ave., and North Summit Ave. are going to ask for a 25% reduction because of this increase in traffic.

Mrs. Rush noted that a similar issue has recently come before the Zoning Board of Adjustment. She thanked Mr. Caviness for his views.

Christine Grobert, 7 Hedges Ave., stated that she was present tonight on behalf of the Chatham Borough Traffic Committee. She noted that she has lived at 7 Hedges Ave. for 15 years. She stated that all of her neighbors present tonight could attest to the amount of cut-through traffic occurring on Hedges Ave. Mrs. Grobert felt that if Dunkin' Donuts was built on the proposed site, it would attract even more cut-through traffic.

Mrs. Grobert believed Mrs. Dolan's report contained many contradictions. She noted that in her report, Mrs. Dolan felt that motorists will be "self-policing themselves" and will not make the left turn onto Hedges Ave. because of the existing traffic. Mrs. Grobert believed that contradicted what was in Mrs. Dolan's report. Mrs. Grobert also believed there will not be enough parking available at Dunkin' Donuts, so customers will probably be using the allowable parking along Hedges Ave. in front of residences.

Serving on the Borough Traffic Committee, Mrs. Grobert noted that there are currently parking problems on Elmwood Ave., Coleman Ave. Residents living on those streets are willing to give up their own right to park in front of their homes to make it safer for their children crossing the street. Mrs. Grobert said she would not like to give up the right to park in front of her house. This would force her family members to park somewhere else and walk even further to visit her house on Hedges Ave.

Mrs. Grobert didn't agree with the category of "coffee house" used in Mrs. Dolan's traffic counts. Mrs. Grobert felt that Dunkin' Donuts is much more than a coffee house. There

will be an ice cream parlor attached to it as well. Unlike Mrs. Dolan's views, Mrs. Grobert believed that the estimated 35 entries to this site during peak hours, will greatly impact the residents.

Mrs. Grobert said that the Dunkin' Donuts advertising on Route 124 will draw even more traffic into Chatham Borough and its neighborhoods. She noted that Dunkin' Donuts now has a big new advertising pitch on television.

Mrs. Grobert also expressed customers parking on Hedges Ave., would make "K" turns after their purchases, and swing back down Hedges Ave. and make a left turn onto Weston Avenue. Some people have told her that will be the route they will take when they visit this proposed business. She suggested that Dunkin' Donuts be required to have a traffic officer on duty. Mrs. Grobert also recommended that speed bumps be installed on Hedges Ave.

Barbara Watters, 26 University Ave., felt that constructing a Dunkin' Donuts in that section of town will ruin the integrity of the Historic District. She was also concerned about chain corporate businesses coming into the Borough and taking customers away from smaller businesses.

Rob Goldberg, 41 Hedges Ave., confirmed with Mrs. Dolan that the traffic exiting Hedges Ave., taking a left and going out onto Main Street rates a Level "F" for the delay time. Mr. Goldberg asked Mrs. Dolan if there will be any impact from drivers making a left from Hedges Avenue. Mrs. Dolan answered yes, if some drivers chose to turn left from Hedges Ave., it would have an impact. Mr. Goldberg asked if that left turning traffic is already at an "F" and 17 to 20 vehicles will be added, what's worse than an "F". Mrs. Dolan answered that a possible delay may occur.

Mr. Goldberg asked if maybe this Dunkin' Donuts "doesn't fit" in this particular space.

Mrs. Dolan felt that the business fits from a planning perspective, which means that the traffic impacts are assumed to be addressed in the Circulation Element in the Borough's Master Plan. Also, the site is conforming as defined in the State Highway Access Management Code.

Mr. Goldberg asked Mrs. Dolan if she really believed that the Dunkin' Donuts driveway will not have any impact on drivers trying to make a left onto Hedges Ave. as opposed to a giant quagmire forming for local residents to deal with.

Mrs. Dolan noted that there are three driveways on the State highway now. There are two driveways on Hedges Ave. If the site was re-opened as a gas station, with all those 5 driveways, there will be even more traffic conflict than what Dunkin' Donuts might produce.

Mr. Goldberg said he understood that half the number of people pulled into that gas station. This would be thirty vehicles as opposed to 60 vehicles.

Mrs. Dolan clarified that in terms of numbers, there may be an increase, but she didn't consider it a significant increase. She pointed out that the re-development of this property will provide a compliant set of driveways that will have appropriate spacing for the intersection, and meet the State Highway Access Management Design criteria. By closing driveways, the number of conflict points across the site will be reduced.

Mr. Goldberg asked what type of people would come to a Baskin Robbins as opposed to those going to a Dunkin' Donuts.

In terms of traffic, Mrs. Dolan noted that a Dunkin' Donuts is quieter during the balance of the day. A Baskin' Robbins provides snacks and after dinner dessert, so more customers may visit that particular business.

Mr. Goldberg asked what kind of people would visit this site for a cup of coffee as opposed to people who would come for ice cream.

Mrs. Dolan answered that was not her expertise.

Mr. Goldberg believed that kids, walking or on bikes, would probably be the ice cream customers. Adults in cars would come to the site for coffee and donuts. Mr. Goldberg asked Mrs. Dolan if she saw any problem with kids on bikes arriving at the site with cars pulling in and out of Main Street.

Mrs. Dolan said that was a safety concern at any commercial setting. She reiterated that the reduction of driveway cuts will be an improvement. Sidewalks and pedestrian crosswalks are marked on the site plans. She believed that there will be visibility throughout the site. The site will be designed with appropriate maneuvering area for two way flow and for movements into and out of the parking space.

Mr. Goldberg still presented this safety concern of kids riding bikes to buy ice cream at Baskin Robbins and vehicles pulling quickly into the Dunkin' Donuts to get coffee.

Mrs. Rush thanked Mr. Goldberg for his views.

Mrs. Rush said there had been some thought among the Board to hire their own traffic engineer to do an analysis. Mrs. Rush informed the audience that the Board is very much aware of their traffic and safety concerns.

Frank Spinelli, proprietor of The Best Luncheonette, 233 Main St., noted that he had bought his business in July with a small town, small business, concept in mind. He felt if Dunkin' Donuts is allowed in the Borough, it will be "the degeneration of this town". He asked who is next—MacDonald's? These large chains "take the sword" out of the hands of the smaller businessmen like himself.

Joe Mikulewicz, 9 Chatham St., wanted to know about the size of the parking lot with regard to the Borough ordinance. He asked if the 15 parking spaces were required of the applicant, according to the ordinance.

Mr. Gerridge clarified that the applicant came up with a requirement of 11 parking spaces, but providing 15 spaces. He went over the calculations with Mr. Mikulewicz. Mr. Gerridge pointed out that this number of parking spaces does not factor into the overall traffic analysis. An analysis may increase the number of spaces.

Mr. Mikulewicz did not think combining ice cream and donuts was a good idea. Like him, some adults may wait in their cars until their children are finished eating their ice cream. That scenario may jam up the parking lot even further.

Mrs. Rush closed tonight's hearing on Dunkin' Donuts/Basking Robbins. She informed the audience that another hearing will be held on Wednesday night, November 1, 2006 at 7:30 p.m.

The meeting adjourned at 11:00 p.m.

Respectfully submitted:

Elizabeth Holler
Planning Board Recording Secretary

