

January 5, 2022

Ms. Geraldine Entrup  
Administrative Officer, Zoning Board  
Township of Mahwah  
475 Corporate Drive  
Mahwah, NJ 07430

Re: **Review Letter #4**

Pike Enterprises LLC  
149 Franklin Turnpike  
Preliminary & Final Site Plan with C & D Variances  
Block 70.02, Lot 121  
Docket No. 1484-20  
Colliers Engineering Project No. MWZ-042

Dear Ms. Entrup,

We are in receipt of the above-referenced Preliminary & Final Site Plan, with C & D Variances application for a service station and restaurant in the B-10 (neighborhood business) zone. Modifications from our prior letter are noted in ~~strikethrough~~ and **bold italics**. We have reviewed the following documents submitted by the Applicant in support of this application:

1. Board of Adjustment Application;
2. Submission Checklist dated 10/6/2020;
3. Development Application dated 6/22/2020;
4. Exhibit A;
5. Affidavit of Applicant dated 8/31/2020;
6. Affidavit of Owner dated 6/22/2020;
7. Resolution of Tenant Application, TA1109945, dated 1/12/2012;
8. Drainage Calculations, prepared by Joseph F. Vince, LS, PP, CME, ~~David A. Hals, PE, LS, PP, CME~~ for Schwanewede/ Hals Engineering, dated May 26, 2020 and revised through 10/4/2021;
9. Highlands Exemption Determination Application dated 10/9/2020;
10. Proof of Taxes Paid, dated 11/25/2020;
11. Soil Movement Permit Application dated 12/23/2020;
12. Historic Preservation Commission Application dated 8/31/2020;
13. Environmental Commission Tree Preservation Application;
14. Architectural floorplans and elevations, prepared by Thomas V. Ashbahian, dated 5/2/2020;
15. Drainage Area Map, prepared by David A. Hals, PE, LS, PP, CME for Schwanewede/Hals Engineering, dated May 26, 2020;

16. Site Plans, prepared by David A. Hals, Joseph F. Vince, PE, LS, PP, CME for Schwanewede/Hals Engineering, dated May 21, 2020 and revised through **12/14/2021**;
17. **Correspondence from Schwanewede/Hals Engineering, dated 12/14/2021**;
18. Aerial Exhibits;
19. Site Photos;
20. Colorized Site Plan, prepared by Joseph F. Vince, PE, LS, PP, for Schwanewede/Hals Engineering, dated May 21, 2020;
21. Sign Plans dated 7/30.2019;
22. Traffic Impact Study, prepared by Joseph J. Staigar and Corey M. Chase for Dynamic Traffic, dated 3/25/2021; and
23. Sight Distance Exhibit, prepared by Joseph F. Vince, PE, LS for Schwanewede/Hals Engineering, dated 9/2/2021.

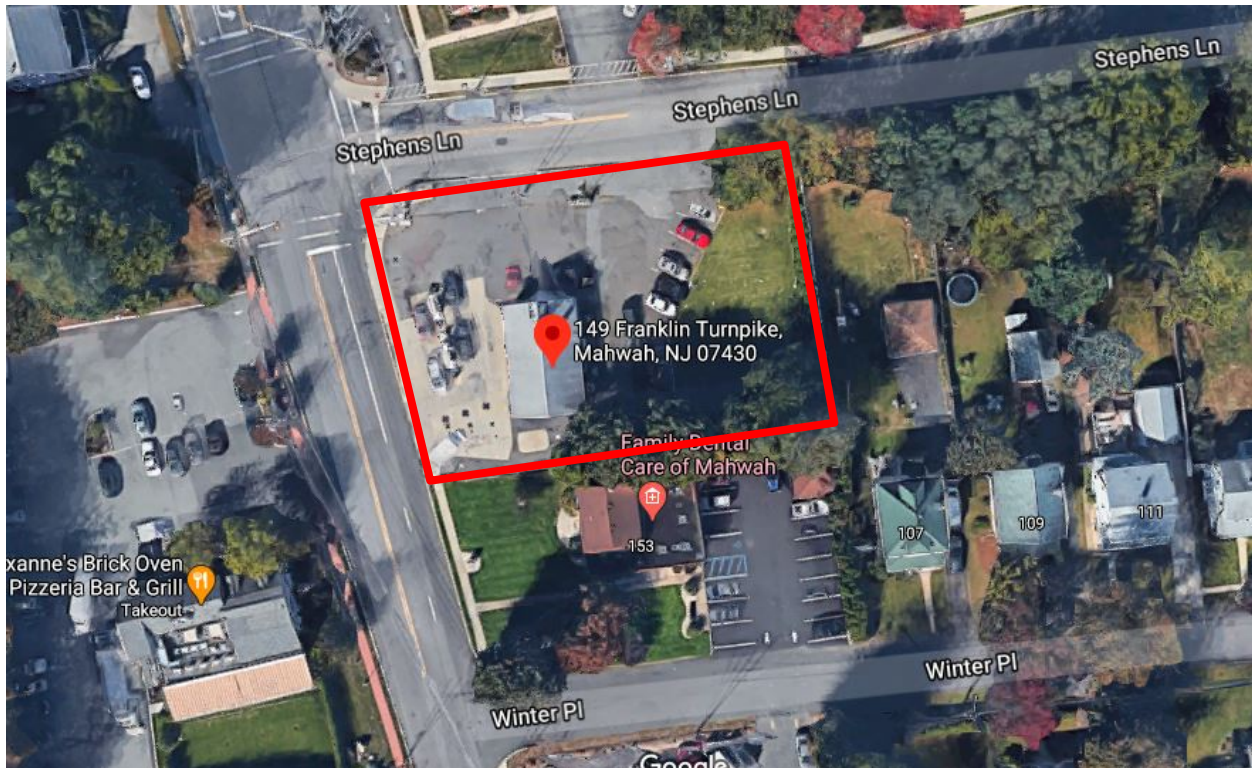
#### **A. Site Description**

The subject application involves a site in the B-10 (neighborhood business) Zone. The 0.483-acre parcel is located at the southeast corner of Franklin Turnpike and Stephen's Lane. The property is currently developed with a one-story automobile service station and four gas pumps. There is a triangular portion of land at the rear of the site that is unused and grassed, but the site is otherwise paved over.

The site is bordered by commercial uses to the north (Zoned B-200), south (Zoned B-10), and west (Zoned B-12). To the east is a residential neighborhood (Zoned R-15).



**Google Street view of Subject Property.**



Aerial of subject property.

## **B. Proposed Project**

The Applicant proposes removing the existing structure on site and building a new 1,800-sf restaurant (Dunkin' Donuts) with drive-thru and a service station with eight gasoline pumps. The pumps are located at the west side of the site along Franklin Turnpike, and the restaurant is proposed at the east of the site, behind the gasoline pumps. A drive-thru lane for the restaurant is proposed along the south and east property lines. A total of ~~five~~ **six** queuing spaces are represented.

The proposed restaurant is one story tall, clad in a combination of materials including accent panels and wood. The west elevation proposes two façade signs and the north façade has one sign. The fueling area canopy has two signs (on the north and south elevations). And, a 21.5' high pylon sign is proposed at the northwest corner of the site. A drive-thru menu board is also shown.

There are three points of vehicular ingress and egress to the site: a two-way curb cut along Franklin Turnpike (right-turn exit only), a two-way curb cut along Stephen's Lane, and a one-way exit from the drive-thru also onto Steven's Lane.

A loading area and dumpster surrounded by a 5' stockade fence is proposed at the southeast corner of the property.

An existing 6' high vinyl fence along the east property line in the vicinity of the dumpster is to remain. The south and east property lines do have landscaping, including 6'-8' arborvitae, added. There is also some landscaping around the sides of the proposed restaurant and at the northwest corner of the property at the intersection of Stephen's Lane and Franklin Turnpike.

### **C. D Variance**

Service Stations are a Conditional Use in the B-10 zone, subject to subsection 24-6.7.

- a. No gasoline station or vehicular repair service shop shall be located on property within 500 feet of the following uses: schools, playgrounds, churches, hospitals, public libraries or institutions for dependent children.
- b. **Vehicular access to the above uses shall not be closer to the intersection of any two street lot lines than 50 feet, nor shall any such use be located within 25 feet of any boundary line of any R-District.**
- c. Location of Appliances or Pits. Service stations shall not be permitted where any gasoline or oil pump or oil draining pit or visible appliance for any such purpose is located within 30 feet of any street lot line, except where such appliance or pit is within a building.
- d. Buffer Zone and Landscaping Requirements. Service Stations shall comply with the provisions of §24-5.6.

Vehicular access to the site is within 10' of the property line on Stephen's Lane and 5.05' along Franklin Turnpike, where 50' is required. Additionally, no such use is permitted within 25' of any boundary line of any R-District. The subject property immediately abuts the R-15 zone.

It is acknowledged that the service station use portion of the lot does not comply with the 50' street lot line set back along Franklin Turnpike, but the fuel pumps themselves are further than 25' from the R-15 zone.

The project is also subject to the Buffer & Landscaping Requirements of Subsection 24-5.6. A buffer strip of "5% of the lot depth or width on the side or sides facing such use or residential zone," not less than 10', is required, as is 6' planting; Applicant complies with a 10' buffer strip with 6' Arborvitae.

### **D. C Variances**

1. ~~Rear yard: Required 40', proposed 31.9' (building to the east property line)~~
2. Sign setback: Minimum 15', pylon sign proposed on property line at 0'
3. Pylon sign area (24-6.1.f(2)) - 50 sf permitted, ~~75.85~~ **74.75** sf proposed
4. Canopy sign area (24-6.1.f(2)) - 4 sf permitted, 6.4 sf proposed (each, 2 proposed)
5. Fence height (24-3.4.d(3)) - max 4' within the front yard. Corner lots are subject to this requirement on both frontages. 6' existing/proposed.
6. **Fuel Pump Setback (24-6.7b) - 30' required, 25' proposed from County Road Widening Easement**

### **E. Design Waivers**

1. Parking (22-6.2):

Service station: 4 per bay + 1 per employee = no bays proposed + employee parking

Fast food: 1 per 2 seats + 1 per 2 employees, or min 40 = 40.

Total required: 40 + service station employee parking; proposed: 8

- ~~2. Parking setback (22-6.2.b.2): Parking may not be closer than 8' to side lot line. Proposed does not comply (see space #1)~~
- 3. Parking setback (10') (22-6.2.b.2): Parking prohibited in front yard setback (10'). Proposed 1.9' (see space #1)**
4. Parking aisle width (22-6.2.c.1): Minimum required 24', proposed 23'
5. Driveway width (22-6.2.d.6): Required depressed curb width 50-60' (minimum for two-way service stations), proposed **40' along Franklin Turnpike.** ~~30-35' Required depressed curb width 35-50' (minimum for one-way commercial—applied to drive thru exit), proposed 20.5'.~~
6. Lighting (22-6.4.a.10(c): Maximum lighting one footcandle at property lines, **2 footcandles** - ~~Does not appear compliant at Stephen's Lane.~~

#### **F. General Comments**

- ~~1. A 6' high vinyl fence along the east property line appears to be the only shielding of the proposed dumpster. A full enclosure is recommended to block the view from all angles.~~
2. Elevations indicate a façade element of "accent panels" but does not identify the material. Please clarify.
- ~~3. The zoning table provided shows three front yard setback dimensions. According to code, "the determination of the front lot line will be based on the front yard designated on all maps and official record, or absent a map of official record, at the option of the owner or developer," and "The determination of the front yard of a corner lot shall be at the option of the owner or developer and shall be so designated on all maps and official records." Applicant has identified the west (Franklin Turnpike) as the front on architectural elevations. As such, the front yard setback is 17.8', the proposed side yard setback is 10.5', the proposed combined side yard setback is 51.5' (please confirm distance from fuel canopy to south property line), and the proposed rear yard is 31.9'. Zoning table to be corrected.~~
- 4. Engineering correspondence dated 12/14/2021 indicates that Stephen's Lane will be designated as the front yard, however the zoning table on sheet 1 indicates three front yard setbacks. This is to be corrected.**
5. Conditional use requires "No gasoline station or vehicular repair service shop shall be located on property within 500 feet of the following uses: schools, playgrounds, churches, hospitals, public libraries or institutions for dependent children." This appears to have been met, but please confirm compliance.
- ~~6. The zoning table shows a lot depth of 116.2'. Our measurements show this depth as approximately 175'. Applicant to clarify or correct.~~
7. This review did not consider the fact that each fuel pump has two brand logos per side. While this is typical for fuel pumps, the Board should consider if this is subject to signage regulations.
8. Applicant calls out a variance for 2 signs on the front façade. Zoning code no longer limits the number of signs but caps the maximum sign area to 10% of the main façade. This seems to limit the total signage area for the building at 102 square feet, and the proposal is compliant.

9. The signs shown on building elevations do not correspond to the sign plans dated 7/30/2019 provided by the applicant. For the purpose of this application, the signage on the elevations (prepared by Thomas V. Ashbahian) have been reviewed. The discrepancy shall be resolved so that all proposed signage is consistent.
- 10. Variance note regarding parking setback from street appears incorrect on Sheet 1. Parking is prohibited in the required front yard, which in the case of this application is 10'. (The 30' parking setback is permitted only for properties with a front yard of greater than 30'.) Nevertheless, a variance is still required.**
11. Plans should be updated to reflect all variances in the notes or zoning table. *(Aisle width)*
- 12. Applicant indicates that they will be using Stephen's Lane as the front of the lot. With that being said, the building entry is therefore on the side of the building. The appropriateness of this should be discussed. Additionally, architectural elevations (sheet A-1) should be revised to note front/side elevations consistent with the site plans.**

We reserve the right to make additional comments based upon further review or testimony presented before the Board. Should you have any questions on this correspondence please do not hesitate to contact me.

Sincerely,

Colliers Engineering & Design



Debbie Alaimo Lawlor, FAICP, PP  
Discipline Leader Planning Services  
Principal Associate

cc: Ben Cascio, Esq., Board Attorney (bencascio@aol.com)  
James E. Jaworski, Esq., Applicant's Attorney (jjaworski@wellslaw.com)  
Angela Dragone (adragone@mahwahtwp.org)  
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