

WAYN R0032

(via email)

To: Township of Wayne Planning Board
% Christopher Kok, P.P., A.I.C.P.
Township Planner
Township of Wayne
475 Valley Road
Wayne, New Jersey 07470

From: Caroline Reiter, P.P., A.I.C.P.
Township Planning Consultant

Date: December 24, 2024

Re: First Completeness Review
Case No. PB-2024-042
Applicant: Hamburg Dev LLC (Dunkin' Donuts)
2203, 2211, 2227 Hamburg Turnpike; Block 3510 Lots 159, 163 & 164
Business (B) Zoning District
Preliminary and Final Major Site Plan and Bulk Variance Approval

We are in receipt of an application, plans and associated reports that were submitted to the Township on November 26, 2024, in connection with the above application.

Reviewed Documents: First Submission

- Township of Wayne cover letter and transmittal sheet, prepared by Christopher Kok, P.P., A.I.C.P., Township Planner, consisting of one (1) page, dated November 27, 2024.
- Transmittal, prepared by Michelle Mel of Dynamic Engineering consisting of two (2) pages and dated December 5, 2024.
- Preliminary and Final Site Plan and Bulk Variance Application signed by Sachin Shah of Hamburg Dev., LLC and notarized by Aashish K. Oza, Notary Public, State of New Jersey consisting of four (4) pages and dated November 22, 2024.
- Variance and Waiver List and Checklist for Preliminary and Final Site Plan Review Prepared by Dynamic Engineering, consisting of eleven (11) pages and dated October 13, 2024.
- Stormwater Management, Water Quality and Groundwater Recharge Analysis for Hamburg Dev, LLC prepared by Matthew J. Bersch, P.E., Dynamic Engineering, consisting of two hundred and ninety-two (292) Pages and dated October 2024.
- Stormwater Management Operation and Maintenance Manual for Hamburg Dev, LLC prepared by Matthew J. Bersch, P.E. of Dynamic Engineering, consisting of thirty (30) pages and dated October 2024.
- Sanitary Sewer & Potable Water Engineer's Report for Hamburg Dev, LLC prepared by Matthew J. Bersch, P.E. of Dynamic Engineering, consisting of seven (7) pages and dated October 2024.
- Environmental Impact Statement for Hamburg Dev, LLC prepared by Matthew J. Bersch, P.E. of Dynamic Engineering, consisting of fifty-two (52) pages and dated October 2024.

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- Geotechnical and Stormwater Basin Area investigation for Proposed Dunkin Donuts & Restaurant 2203, 2211 & 2227 Hamburg Turnpike prepared by Gregory J. Fritts and Peter H. Howell, P.E. of Dynamic Earth, consisting of eighty-two (82) pages and dated August 22, 2024.
- Traffic Impact Study for Hamburg Dev, LLC prepared by Corey Chase, P.E. and Kevin Savage, P.E., P.T.O.E of Dynamic Traffic, consisting of fifty-eight (58) pages and dated October 2, 2024.
- Site Plans entitled "Preliminary and Final Site Plan for Hamburg Dev, LLC Proposed Dunkin & Quick Service Restaurant Block 3510, Lot 159, 163, 164; Tax Map Sheet #35.02 – Latest Rev. Dated 08-20-2002 2203, 2211, & 2227 US Route 202 (Hamburg Turnpike) Township of Wayne, Passaic County, New Jersey" prepared by Matthew J. Bersch, P.E. of Dynamic Engineering consisting of twenty-one (21) pages and dated October 9, 2024.
- ALTA / NSPS Land Title Survey prepared by James J. Heiser, P.L.S. of Dynamic Survey, consisting of one (1) page and dated April 17, 2023
- Architectural Plans prepared by Gary Kleisch of Gary Kliesch and Associates Architects, consisting of five (5) pages and dated September 26, 2024.

Subject Property and Proposal Description

As shown on the submitted Survey and Site Plans, the subject property (referred to herein as "the site") is comprised of Block 3510, Lots 159, 163 and 164, and contains a total area of 97,779 SF (2.245 acres). All lots within the site are located within the Business (B) Zoning District and front the western (southbound) side of Hamburg Turnpike. The site is adjacent to lots located within the Business (B) Zoning District to the north and east opposite Hamburg Turnpike, and west and south adjacent to lots located within the Residence Cluster (RC-2.5) Zoning District. The site is primarily unimproved with buildings and structures and is partially cleared and wooded, containing existing macadam and dirt surfaces, along with the unpaved Westview Road spanning the northern portion of Lot 159.

The applicant is seeking Preliminary and Final Major Site Plan, Bulk Variance, Design Waiver and Environmental Protection (EP) Waiver approval for the construction of one (1), one-story masonry building containing a 1,741 SF Dunkin' Donuts restaurant with one (1) dual drive through lane, and an attached 2,294 SF quick service restaurant with one (1) separate dual drive through lane to be occupied by a separate tenant. The proposed Dunkin' Donuts portion of the building will contain 12 seats, and the proposed quick service restaurant will contain 24 seats, along with food prep/kitchen and storage areas for both portions of the building. The total building footprint will measure 4,035 SF.

Additional site improvements proposed include two (2) two-way access driveways connecting Hamburg Turnpike, a total of 20 off-street parking spaces (including one (1) ADA-accessible space and one (1) EVSE charging station), and drainage, landscaping, lighting and signage. The proposed northern two-way driveway will also connect to a proposed driveway extension to the existing residential dwellings adjacent to the rear of the site, via an existing access easement.

Additionally, a proposed 2,222 SF right-of-way dedication is proposed along Hamburg Turnpike that will reduce the site's total area from 97,779 SF (2.245 acres) to 95,557 SF (2.194 acres).

Required Relief

The proposal requires the following variance and design waiver relief, as requested by the applicant and identified by our office:

Bulk "c" Variances Required:

1. § 134-43.3E(3) - Minimum Rear Yard Setback: Principal Structure. A minimum rear yard setback of 50 feet is required for principal structures, whereas a rear yard setback of 18.5 feet is provided for the proposed principal Dunkin' Donuts/restaurant building.
2. § 134-43.3F - Location of Accessory Structures. Accessory structures are permitted only within side and rear yards, whereas the proposed accessory off-street parking area is located within the front yard and setback 3.8 feet from the front property line along Hamburg Turnpike.
3. § 134-43.3H - Minimum Buffer from Residential Zone. A minimum landscaped buffer of 50 feet is required for any yard abutting a residential zone, whereas a landscaped buffer measuring between approximately 8.5-20 feet is provided between the site's proposed rear yard adjacent to the Cluster Residence (RC-2.5) Zoning District.
4. § 134-62.1M(2)(b) - Minimum Setback: EVSE Parking Spaces. A minimum setback of 10 feet from any property line is required for EVSE spaces, whereas a setback of 3.8 feet is provided for the one (1) proposed EVSE space.
5. § 134-68.1D(1) - Maximum Area: Directional Signs. A maximum area of 4 SF is permitted for directional signs, whereas an area of 4.72 SF is provided for the one (1) proposed freestanding, Dunkin's Donuts "Drive Thru" directional sign.
6. § 134-68.3A(2) - Minimum Setback: Freestanding Signs. A minimum setback of 10 feet from any abutting street line and/or property line is required for freestanding signs, whereas a setback of 5 feet is provided for the one (1) proposed 31.2 SF monument sign adjacent to the site's northern driveway entrance.

Design Waivers Required:

1. § 134-72.1B - Minimum Front Yard Parking Setback. A minimum front yard parking setback of 10 feet is required from any property line, whereas a setback of 3.8 feet is provided for the proposed parking area adjacent to the Hamburg Turnpike right-of-way.
2. § 134-72.1E - Loading Area Location. *"Any area used regularly for loading shall be designed to prevent hindering the free movement of vehicles and pedestrians on any street, alley, sidewalk and parking area. Loading areas shall be located in rear yards, centralized courtyards, or side yard areas and must be screened from public view."* Loading and unloading are to occur within the proposed drive aisle in front of the principal building.

3. § 134-72.1F - Designated Loading Areas. *"Each required loading berth shall be provided with an unobstructed access drive having a width of not less than 15 feet. Such access may be combined with access to a parking lot and shall not be located within 50 feet of any street intersection."* No designated loading area is proposed.
4. § 134-72.1G - Loading Area Location. *"All required loading areas shall be on the same lot as the use to which they are accessory and shall be arranged so as to permit simultaneous use of all berths without blocking or otherwise interfering with driveways, parking areas, fire lanes or sidewalks."* No designated loading area is proposed.
5. § 134-72.2D(5): Loading Area Location. Loading areas are not permitted in areas between the front building line and street line, whereas off-street loading is proposed in the drive aisle between the front building line and front property line along the Hamburg Turnpike right-of-way.
6. § 134-72.4C(7): Drainage. *"Inlets shall be located and limited to a runoff area of not more than 5,000 square feet of impervious area."* Proposed Inlet No. 26 exceeds 5,000 SF of impervious coverage.
7. § 134-72.4C(8): Drainage. *"Pipes shall have a minimum slope of not less than 0.5% and a minimum cover of three feet."* The proposed pipes contain a cover of less than three (3) feet.
8. § 134-73F: Driveway Location. *"Where access is provided by more than one driveway from the same street, the driveways shall be located at least 200 feet apart."* The two (2) proposed two-way access driveway are located 195.5 feet apart when measured at the front property line.
9. § 134-77E(1): Maximum Lighting Illumination within Parking Lots. Illumination levels between 0.5 lumen (minimum) and 1.0 lumen (maximum) per square foot are permitted within parking lots, whereas illumination levels ranging between 0.8 and 3.8 lumens per square foot are proposed within the parking area.
10. § 134-77E(3): Maximum Lighting Illumination at Property Lines. A maximum illumination level of 0.1 lumen per square foot is permitted at property lines, whereas illumination levels ranging between 0.0 and 1.7 lumens per square foot are proposed at the front property line along Hamburg Turnpike.
11. § 134-86.4A(1): Landscape Buffering: Required Planting Types. Plant clusters used as part of a buffer or screen must consist of masses and groupings of shade, ornamental and evergreen trees, shrubs and/or berms. The proposed landscape buffer along the rear property line is comprised of only evergreen trees.
12. § 134-86.4A(3): Landscape Buffering: Required Planting Quantities. Landscape buffers must be comprised of the following minimum planting quantities:
 - Shade Trees: 25 plantings per 1,000 linear feet
 - Evergreen Trees: 50 plantings per 1,000 linear feet

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- Ornamental Trees: 10 plantings per 1,000 linear feet
- Shrubs: 150 plantings per 1,000 linear feet.

The proposed landscape buffer at the rear property line is comprised only of two (2) evergreen tree species and does not contain any shade (deciduous) tree, ornamental tree and shrub plantings.

Environmental Protection (EP) Waiver Relief:

A significant amount of site disturbance is proposed; however, the Maximum Allowable Disturbance (MAD) and Total Adjusted Disturbed Area (TADA) calculations are not shown on the plans, and the related MAD/TADA calculations form has not been included in the application submission. ***Please refer to our comments in Item 3.d. of the completeness review below as they pertain to this item.***

Completeness Review

The application is **Incomplete** and is not ready to be scheduled for a public hearing.

The application materials have been reviewed against the checklist requirements contained in § 134-111.5 of the Township's Land Development Ordinance, and the following deficiencies are noted. Waiver requests are addressed in *italics*, and items that must be addressed for the application to be deemed complete are noted in **bold**, with necessary revisions in ***bold italics***. All other items not listed from the application checklist have been considered addressed by the applicant or not applicable to the proposal.

§ 134-111.5 – Preliminary and Final Major Site Plan Checklist:

1. § 134-111.5.3: Submission of 1 copy of the plans and exhibits in digital media pursuant to the criteria set forth in § 134-101.C.
At the time this application is ready to be scheduled, the Planning Department will issue an FTP link requesting PDF copies of all application materials.
2. § 134-111.5.4: Letter of Interpretation (LOI) or Presence/Absence letter from the NJ DEP.
As shown on the submitted Survey and site plans, the site contains mapped wetlands areas located in the northern and western portions of Lot 159, along with a 150-foot wetlands transition area, as shown on the plans. However, no previous NJDEP LOI or presence letter is referenced on the Survey or plans pertaining to these boundaries. The applicant's submission letter states that a freshwater wetlands LOI Presence/Absence letter from NJDEP is currently pending and will be provided upon receipt, and a submission waiver has been requested for this item. As site disturbance in the form of an asphalt driveway is proposed within the 150-foot wetlands transition area, we do not support the Board granting a submission waiver for this item. The plans must be revised to reference the previous NJDEP LOI and/or Presence Letter that confirms the existing wetlands and wetlands transition area boundaries and the appropriate wetlands permit from NJDEP must be provided for the proposed site disturbance/driveway construction within the 150-foot wetlands transition area.

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3. § 134-111.5.33: With respect to the Environmental Protection ordinance, provide:

a. Location Map of Environmental Factors

Please refer to our comments in Checklist Item 2 (above). Should the Board act favorably on the application, the plans must be revised to delineate the wetlands transition area boundaries in accordance with the updated NJDEP LOI.

d. MAD/TADA Calculations.

The applicant must submit the completed form from the Township entitled "Environmental Protection Calculations: Slope/Soil Disturbance for Individual Lot Calculation" to provide calculations for the Maximum Allowable Disturbance (MAD) and Total Adjusted Disturbed Area (TADA), as significant site disturbance is proposed. Said form must also be included on the site plans. Should the TADA exceed the MAD, an Environmental Protection (EP) Waiver will be required, along with an additional application fee of \$1,000 and an additional escrow deposit of \$375.

4. § 134-111.5.41: Fence detail for proposed fence(s), to include colors and materials.

The plans must be revised to label the proposed colors for the proposed board-on-board fencing along the rear property line and surrounding the proposed detention basin, as shown on Sheets 6 and 17 of the site plans. The plans must also be revised to label the colors for the proposed fencing surrounding the trash enclosure, as shown on Sheets 6 and 16 of the site plans.

5. § 134-111.5.42: Height(s) of proposed fences

Sheet 17 of the site plans must be revised to provide height figures for the detail of the proposed board-on-board fence.

6. § 134-111.5.44: The location of all existing of the following for off-tract for a distance of 200 feet from the extreme limits of the property in question:

- a. Storm drainage ponds.
- b. Streams.
- c. Above-ground utility lines and appurtenances.
- d. Below-ground utility lines and appurtenances.
- e. Pipe sizes, grades and direction of flow.

The applicant has requested a submission waiver for the items above. We do not object to the Board granting a waiver for these items, as off-site utilities and natural features that pertain to or may be impacted by the proposal are shown clearly on the plans. The applicant must provide sufficient testimony in support of this waiver request at the scheduled public hearing.

7. § 134-111.5.46: Refuse pad details and refuse area fence enclosure details.

Please refer to our comments in Item 4 (above) as they pertain to this requirement.

8. § 134-111.5.52: Loading areas, providing: dimensions, locations, aisles, with dimensions, and barriers.

Le: Christopher Kok, P.P., A.I.C.P., Township Planner

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The applicant has indicated that this item is not applicable to the proposal, as no designated loading areas are proposed, and the proposed loading and unloading is to occur with the proposed drive aisle adjacent to the front of the building. However, two (2) dual drive-through lanes are proposed (one for each restaurant) that intersect the proposed drive aisle and parking area. We do not support the Board granting a waiver for this item, as the proposed loading and unloading within the drive aisle will impede the proposed parking and circulation on site. The plans must be revised to provide a designated loading and unloading area on site that does not impede the proposed parking and circulation on site.

9. § 134-111.5.55: Wetlands and wetlands transition areas in accordance with the LOI.
Please refer to our comments in Items 2. and 3.a (above) as they pertain to this requirement.

We will provide additional comments upon receipt of revised plans. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

T&M Associates



CAROLINE Z. REITER, P.P., A.I.C.P.
T&M PLANNING GROUP MANAGER
TOWNSHIP PLANNING CONSULTANT

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