

Township of South Hackensack
 PLANNING BOARD
 March 24, 2011
 MINUTES

At 7:30 p.m. this meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was provided to The Record and The Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Chairman led the Flag Salute.
 The Secretary called the Roll.

Members Present

Darren Allen	Pat Spadavecchia
Frank Cagas(Arrived 7:40PM)	Ray DeRiso
Al D'Ambrosio	Frank Capolupo
Leo Rossi	Anthony Vigilanti
Walter Eckel	Elliot Sachs, Boswell Engineering
John Schettino, Esq.	Leslie Flora, Esq.

Minutes

Spadavecchia **motioned**; Eckel **seconded** to approve the Minutes of February 24, 2011. DeRiso abstains and the remainder of Board in favor.

Old Business

PB 2010-05

McDonald's Corporation – Site/Landscape Plan, dated 2/16/2011.
 Block: 1.05 Lot: 3.01
 Memorialize Resolution

Application was heard and the memorialization was held until such time the landscape plans were submitted and reviewed by our engineer. The landscape plan has been submitted and reviewed by the engineer and approved. The memorialization can take place.

DeRiso **motioned**; Spadavecchia **seconded** to memorialize the resolution;
 Five (5) Yes: Spadavecchia, Capolupo, Vigilanti, Rossi, and DeRiso; One (1) absent arrived late after the vote, Cagas, three (3) not eligible to vote.

Board heard new business prior to old business because the 7'11 application required more time.

New BusinessPB 2011-01

Mansera - 434 Rt 46 West
Block: 1.01 Lot: 4.19
Subway/Mini Mart
Site Plan Application

Schettino stated our engineer requested from the applicant the breakdown of the parking with the request of this application because of the uses. This application will not be deemed complete without it.

Applicant submits Plans, A-0, 1, 2 Revision 02/02/11 marked as exhibit P-1 Parking Analysis 3/24/11.

Frank Cages joined the meeting at this time.

Schettino asked if applicant submitted proof of application. Yes.

Mr. Torre,
Hasbrouck Heights
Attorney representing Mansera, the applicant franchisee of Subway.

Mr. Torre stated that the application is a use from warehouse to retail. Both uses are permitted under the ordinance.

Sworn in:
Tsan Picos Perides
Architect
Licensed NJ Arch

Board accepts Perides as an expert in field of architecture.

Perides stated that the applicant would like to combine the warehouse space and retail space in one combination retail/subway. The parking lot will be restriped. A new façade consisting of stone face and stucco will be for new subway only. The existing signs will remain one on the building and a free standing sign in parking lot. There will be 20 sq. ft. landscaping in the south west corner. The garbage container will be located in the northwest rear of parking lot.

Size of property 32,900 sq. ft. one story building 9,300 sq. ft.; proposed occupied space is 3,000 sq. ft.

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Perides stated that the parking analysis was based on the Town Ordinance of 1 per 200 sq. ft. public space. The subway is under 2,000 sq. ft. therefore requiring 10 parking spaces. Applicant is providing 12 parking spaces; allocating 2 for employees.

Club requires 1 per 200 sq. ft requiring 15 spaces and the third retail space requires 13 spaces. The site provides 51 total parking spaces. The Ordinance required 38.

DeRiso asked where in ordinance it stated 1 in 200 sq. ft required.

Perides replied, 208-8 under Hotels.

Schettino stated that if there is nothing in book for that particular category, the closest category would be applied. He recommends that the Township Committee address the parking requirements in their ordinance. Applicant would be correct in using the requirements to the closest use.

Perides stated that not included on the plan there are additional 6 parallel parking on the State right of way.

Schettino stated that credit could not be given for parking on the sate right of way.

DeRiso inquired as to how many number of seats in the Subway. Client is required to submit plans 14 days prior to hearing date.

Perides replied between 20-24 6 tables of 4.

DeRiso stated that the plan shows 9 tables x 4 = 36.

Perides stated that the representation to this board is no more that 6 tables of 4 and they will be held to that.

Schettino inquired if there was going to specifically designate parking spaces for subway?

Perides referred to the landlord.

Torre stated that there is plenty of parking without designation. There are no benefits from designated parking spaces

Sworn in:
Ravi Gupta
Lessee/Operator of Subway
Owns Subway in Little Ferry

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Gupta stated that the hours of operation are 5 AM – 11PM, 7 days a week, 4-5 employees, 2 people during the slow hours of operation. Deliveries received 1 week 20 to 30 ft trailer 5-11 or 1-5 pm. Deliveries made to the rear door access.

DeRiso inquired as to whether the Police Department and Fire Department been given copies of the plans?

Torre replied they were. No comments have been received from Police/Fire Departments at this time.

Sachs noted that there is double stack parking.

Perides replied that the existing 6 tandem spaces are dedicated to subway for employee use.

Open To The Public. There were no public comments

Schettino stated that the applicant will be carried over to next month's meeting for Police Department/Fire Department comments.

Torre interjected. The applicant would comply to any requirements from the Police/Fire Departments. This is not a variance situation and applicant would comply with any requirements.

Cagas asked if any improvements will be made to landscape. The Burger King is a model. There is room for improvement on your property and this would be an appropriate time to do so.

Torre stated that there is an existing 20 sq. ft of landscape on plan.

DeRiso informed of the split of handicap spaces. Currently there are two spaces in front of club. Place one space in front of each end or put both in middle.

Schettino: 6 tandem spaces dedicated to subway employee use,
Deliveries from the rear of the building,
Relocate handicap spaces to middle of front building,
Subject to all compliance with Police/Fire Departments requirements,
Subject to all state and county requirements,

D'Ambrosio **motioned**; Rossi **seconded** to accept the application with all the stipulated requirements: Nine (9) Yes: Allen, Cagas, Capolupo, D'Ambrosio, DeRiso, Rossi, Spadavecchia, Vigilanti, Eckel.

At this time Ms. Leslie Flora, Esq. replaces J. Schettino, Esq.

Old Business**PB #2010-06**

310 Huyler Street – Bruno

Block: 37 Lot: 1, 54

Revised Site Plan, Subdivision Plat, Boundary/Topographic Survey and Truck
 Maneuvering Exhibits. -Minor Subdivision, Site Plan, & Variances
 Revised Site Plan Drawing

Mr. Lindsley
 Hackensack, NJ
 Attorney for the Applicant

DeRiso stated that he was not present for the February Meeting.

Schettino stated that he would be able to vote since last meeting the applicant's attorney moved to be heard at the March meeting.

Mr. Lindsley stated that the previous concerns from the board were the maneuverability of the tractor trailer and the usability of 2 parking spaces far north; landscaping and lighting.

To address the issues plans were provided; Revised Exhibit A- Site Plan.
 The second building (wine store) was reduces 593 sq. ft. The 7'11 remains at 3000 sq. ft.

As a result in the reduction of building size the parking requirements have been reduced from 20 to 18. That allowed moving the parking space in question in the far north and placing a handicap spot.

The third was the relocation of the trash enclosure with the issued raised by a neighbor in February and why no testimony was heard in February so we could revise the site plan.

Sworn in
 Greg Pollinack
 Neglia Engineering
 Lyndhurst, NJ

Pollinack stated that the plans have been revised to address all the questions/concerns of the board.

Referring to sheet 2.00 Site plan revised 3/9/2011. The building size was reduced. Prior 5,994 sq. ft. now to 5,400 sq. ft; 3,000 sq. ft for 7'11 and 2,400 for wine store. Parking provides 18 spaces which satisfies the township ordinance of 1 per 300.

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Relocated handicap accessible spot to the north boundary line, so any concerns Mr. DeRiso had could be address. The turning template illustrated that a car parked in that space ease and immovability in that spot. A guide rail along the boundary was placed between the auto body shop and 7'11. No conflict between the lots and parking.

Trash enclosure areas with the adjoining property owner that the trash enclosure could block their entry and signage. The plans show revised plans by creating an "L" shape structure have accomplished is exposing the frontage of their building and alleviating the impact to their property. Slightly increase area of the landscape area in front of the trash enclosure .

Sheet 4.00 Site Plan revised March 9, 2011 Site triangles are depicted on both of the properties with guide line. The landscaping and signage proposed on the locations no issues for visibility. The shifting of the plantings along Huyler Street so they are two feet off the back curb line so cars pulling in would not damage any of the landscape.

With reducing the size of the building, the concrete walkway/safety access the narrow 5 feet with the rear of the building and rear of auto body increased to 8" walkway for emergency personnel.

By reducing the property additional landscape was provided by a row of arborvitae for residence property.

A-5.00 Light Plan – Revision 3/11/11 Fixtures have now been illustrated on the walkway for safety and access to the building. There will be no glare to the street. Candle readings are a .2.

A-600 Truck Maneuverability – Revision 3/11/11 Truck do not have to back out onto E. Wesley Street. Truck would enter E. Wesley and back up to the planter and then park in the right of way of the lot along E Wesley.

The driveway is 48" feet the parked truck would not block the entrance. The vehicle would now exit Huyler Street with the k turn have the ability to do so. One to two days a week for deliveries it is not a common occurrence. Occurring during off hours.

Huyler Street would have a no left turn in or out as part of the Police Department review and Bergen County Planning Board would probably stipulate it as well. Police Department had an issue with the trucks swinging onto Huyler Street into oncoming traffic.

With respect the site as a whole it being a congested area and the location, with different types of uses on the subject property and other uses in the area. This is not a typical movement this delivery is once or twice a week and off hours. If this was a daily occurrence or 2 or 3 times a day that would hold more credence with respect to

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the police report. Once or twice a week I think it shouldn't be an issue with respect to any traffic trailer deliveries that would occur.

Sworn in
Asid Khalib
7'11" Representative

Khalib stated with regards to the deliveries the trucks would most probably go down Huyler into Hackensack to one of their other stores.

Delivery is 1 or 2 a week occurring off hours, daily deliveries box truck that could fit into a parking space. In regards to the time, we leave it to the Board to dictate any 8 hour window that you feel comfortable.

Sachs inquired if it will be WB50's and box trucks?

Khalib response was box trucks will come off peak hours . 7'11 has their own distribution system in which approx 40 vendors drop off their product. 7'11" then loads the products on their box trucks for deliveries to the stores. So the trucks will contain multiple vendors products. And trucks fill into a standard parking space

As to the large truck, stipulate any 8 hours window the board chooses is fine with them. Most distribution companies prefer to deliver off peak. As refer to the retail use, it minimizes the affect to our operation.

Cagas asked what they consider off peak hours to be.

Khalib personally considers 10PM to 6AM off peak.
And requested that the Board place on the record as a condition that delivery is off peak hours.

Vigilanti voiced his concern that there is heavy traffic and congestion on the corner, especially between 4-6.

Eckel asked if the WB50 is your largest truck.

Khalib confirmed.

Cagas asked with respect to the traffic trailers, how is he going to come out of the parking lot onto Huyler without causing a traffic problem coming into oncoming traffic?

Khalib: I'm not the expert, but I can speak from operational experience. General what they would do they would wait for the red light on the traffic corner.

Cagas asked what of the other side of traffic that he is going into.

Khalib stated that the architect will address that issue.

Pollinack stated that they would wait for red light and break in traffic. That is why the off peak hours of deliveries are important. It makes the maneuvering of the truck across the existing of the site. They would be substantial breaks in traffic early in the morning.

The board had a concern with the heavy traffic at 4-6PM with the regular traffic including the restaurant depot traffic would be difficult.

Pollinack agreed with the board but, said that is why they would prefer the off peak hours of delivery.

Spadavecchia ask how would the truck enter the driveway without hitting parked cars.

Pollinack replied that the traffic pattern illustrates that not a single car with be touched with respect to the parking spaces. The parking lot was designed in that fashion. Truck has sufficient maneuverability into the site.

D'Ambrosio asked if the driveway is 28". And how wide is the trailer.

Pollinack stated that the truck is 8.5' The driveway is 48', 24' width at its narrowest and parking lot flares out slightly at exit provide the maneuverability to provide that swooping turn out of the driveway

DeRiso asked if this is granted a favorable approval would you distipulate in the resolution that the vehicles and trucks would not be backing out onto E. Wesley.

Pollinack agreed to the stipulation.

Cagas asked will the landscaping be irrigated.

Pollinack stated that the plan does not illustrate irrigation at this point in time. Drought resistant plant have been selected. There would be bond in place as part of the project.

DeRiso stated that the bond expires in 2 years. Since you will be digging anyway wouldn't it be easier to place irrigation?

Pollinack needed to discuss with applicant. Applicant agrees to provide some type of irrigation system to address the landscaping.

DeRiso asked if this should be made part of the resolution.

Sachs asked if Bergen County Site Plan Approval was received yet.

Pollinack responded with a formal site plan submission to Bergen County, but not have heard back.

Sachs questioned where the signage would be placed.

Pollinack stated that he was sure that the county will stipulate no left hand turn and to provide a signage plan to meet County's requirements.

DeRiso stated that 6 variance and 7 sign waivers were required.

Pollinack agreed with respect with the variance existing non-conformance. They are listed on the table on the plans. With respect to the variances, there are variance preexist on the site , bring it closer to conformity.

Sachs asked if they have taken into consideration the landscaping in the engineer's letter.

Pollinack stated that he believed all have been addressed.

Allen asked what the hesitancy on a green roof was.

Pollinack responded with a green roof for project of this size and small area and cost would not be feasible with development or any development of this size. The implementation of the green spacing in the front of the property, the drop curb that allows the storm water to run through to the green areas. The implementation of seepage pits with stones provided a site that is fairly green. A substantial improvement over what exists today.

Allen responded, by putting something simple on the roof you could satisfy the landscaping ordinance that you're looking for a variance on. It is not something more for something nice to look at but for drainage.

Pollinack stated that it would not be feasible at this time. They are providing green aspects to the site. However, a green roof for this size of the project would not work.

DeRiso stated that the construction official has some issues with your handicap ramp. You provide only 4' where 5' is required.

Pollinack responded that they have not received his letter. We would have the ability to address concern by slightly shifting the curb line in this area.

Cagas stated that if a car going south on Huyler and wants to turn into 7'11, it would have to turn left on Wesley and make left onto driveway of 7'11. How far from the corner is the stop line of the beginning of the driveway to turn into 7'11.

Pollinack stated that to the center line of the stop bar the entrance lane 85' if you take a typical length of a car it is approx 4 cars. With 5 feet between the cars.

Cages was concerned that car makes a left on to Wesley and there are 4 cars waiting to make a left into 7'11. The light is red car comes around from Huyler to make a left hand turn into 7'11' cars will be back at the traffic light. There is no passing since the street is very narrow there. My concern is a safety issue.

Khalib replied, to give an operation perspective on what you are saying our customers spend approx. 2 ½ minutes in the store. Generally they are driving in peak hours and in a rush to get where they are going. With cars would not wait 2 minutes in order to make a 2 ½ minute purchase when you are in a rush. He will not fight that but keep on going.

Rossi stated that with respect to restaurant depot, Lumber Liquidator and the gas station, the cars are already doing that.

Cages responded that he understood, but did not want to add to the problem.

OPEN TO THE PUBLIC

Antonio Competiello

Mr. Bruno has a great opportunity and has worked hard his whole life and wishes him best of luck. I am concerned of making a living. To tear down Teggiano building, which is one of the nicest buildings in town? The building is being knocked down and putting up a 24 hours 7'11 people will be traveling through this town late at night drunk or high. You are talking numbers but are you helping the town?

D'Ambrosio stated that there will not always going to get people who or drunk or high. It is a convience of a 24 hour store. Why should you give your money to Little Ferry but keep it in town.

Lindsley stated that the police report from South Hackensack Police showed no inordinate number of calls. Just the unusual things you would find like shoplifting and fender benders.

Sworn in
Lugi Bruno
Applicant

I have been here for 25 years. This is not a fast decision to tear down the building. I have three kids, one of which is in a wheel chair. I have to do the best thing for my kids. If I could stay I would, but I has no other choice. The economy has changed and impossible to make ends meet. I feel that this would be a good thing for the town. I spoke to people on Dinallo Street and they are happy not to leave town to buy

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a gallon of milk. I continue to manage the property and I would appreciate your consideration.

Competiello replied that everyone is talking sq. ft. I have a sign in my parking lot "tenant parking only". My tenant comes home at night there is no parking they are using my property to park. My parking lot is full and I am closed. I don't mind because I get along with my neighbors and respect them. But what if I didn't. There was miscalculation on parking then, what happens if it happens now. There is no turning back once a decision is made.

Vincent Stefano
75 Grove Street

People are nervous about the 7'11. Is this the appropriate business to bring into town. Bear into mind what is happening over the last decade to this township. The times have changed and it is actually some of the actions our municipality took too. That kind of led to this type of development going here. If the project had gone up years ago things would have been different for the restaurant. Some people say he should change the restaurant. It is not doing business because of the business model is not working. Would that really help all the other businesses? With respect to Mr. Competello are now there is some concern with Danatoni's and Pompeii's. I see 7' 11 help bringing in business for your type of business. The type of business 7'11 is doing is not the same type Danatoni's is doing. The increase in traffic may help your lunch business.

The one thing I do like about this project is that he is a resident of town, a business owner in town, as well owns the property. When we talk about arguments with neighbors over parking, etc. it is much hard for someone who is a resident of the town the guy next door who owns the property is not even working on the property and my understanding you will have a small store and you will be there. It becomes easier now as a community and a business owner to solve disputes when the owner/resident is present. If there is problem down the road, traffic, parking he could go next door to his tenant and say you guys need to watch this because the Police Department has been saying this. We have other business owners who are residents and think that it is important here that that helps to build a community. In that area is this a good project for that area. Just because that are is much more industrialized/commercial. I thank Mr. Bruno and Tony for all years of service in town.

CLOSED TO PUBLIC

DeRiso stated that what is at issue here is not necessarily the fact that it is a 7'11. 7'11 is a permitted use in the area. We cannot object to the fact that it is a 7'11. What is at issue is the site. In my opinion, it is an overdevelopment of the site which is evidenced by the fact that it needs 6 variances and 7 waivers. It is also a very busy intersection. A lot of traffic with business. It is an overdevelopment. Now if he was to have just the 7'11 even it was a little bigger 7'11 and was turned around facing

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E. Wesley put in the area where Teggiano is now and utilizes that extra lot for parking. I believe that it would a lot cleaner and better and have less objections. This is just my opinions that it is an overdevelopment of the site.

Eckel: Do you feel that it is their fault that it is overdeloped? This is a piece of property that a man has to make a lively hood and he is trying to develop the property the best he can make to accommodate his economical problems.

DeRiso: I can't take into consideration his economical problems. There are other eating establishment on Huyler and they are all flourishing. So I don't know what the situation is there. Maybe like Vincent said, it is the business model. I think if he turned the building around and didn't stick the wine store on it and even made it an even bigger 7'11 I think it would fit a lot better on this particular odd shaped property. Which is really what the property is now anyway? He is joining these lots together to make it this shape. If this building was turned around and faced E. Wesley Street and didn't go past Atey Auto Body building, this all could be used for parking. And I think there would be lot less issues. I think he would need less variances. That is my understanding of it.

Eckel asked what are the original variances needed.

Pollinack responded with originally 7 variances , now needs 6 variances.

DeRiso stated that you are redeveloping the entire property you have a chance to possibly bring it down to zero variances.

Pollinack stated that he disagreed. The corner lot with set back issues and with location issues. The back corner of the property if move the building anywhere close to and front the property in this direction This back property is unusable. It could not be utilized for parking. We have met the boards request and green spaces, bringing into conformity than the prior existing building.

Rossi asked if this would this be more review for the town from taxes.

Lindsley asked the Board members to approve the application with the certain stipulations: No left turn in/out Huyler Street. No left turn out on Wesley, irrigation of landscaping. Will comply with the conditions of the engineer's report. Deliveries made by dictated by the board prefer 10PM – 6PM. And subject approval to all local and county and state authorities.

Cagas asked, if Bergen County said they would like to widen the intersection and take some of your property. You would have to come back to the board.

Lindsley replied affirmatively.

Cagas stated that he thinks that that is what is going to happen. They took property from Mr. Bruno 5 years ago.

Lindsley replied that his preliminary communication with Bergen County Planning Board said they were not looking to do that. That does not necessarily mean that they wouldn't.

Eckel asked if the county taking your property, did that creates variance? Mr. Bruno did not wish the property to be taken it was taken for the betterment for the county and residence in the area. Adds some justification for the variances.

DeRiso asked because the property was taken, it created variances?

Pollinack replied that he was not saying that, it just adds some credence to my testimony prior with respect to the variances. The irregularity and taking undo hardship of the taking of some property.

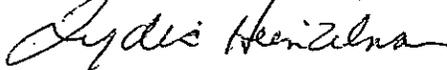
Eckel **motioned**, D'Ambrosio **seconded**; to accept the application with all the stipulated requirements: Four (4) Yes: Capolupo; D'Ambrosio; Rossi; Eckel; Five (5) No: Allen; Cagas; DeRiso; Spadavecchia; Vigilanti.

Board Discussion

There was no board discussion.

At 9:30PM, Rossi **motioned**; D'Ambrosio **seconded** to adjourn. All in favor.

Respectfully Submitted,



Lydia Heinzelman
Secretary

March 24, 2011



RESOLUTION

PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK

DATED: MARCH 24, 2012 ⁴

APPLICATION NO.: 2010-05

APPLICANTS: McDonald's Restaurant
One McDonald's Plaza
Oak Brook, Illinois

APPLICANT'S INGLESINO, PEARLMAN, WYCISKALA & TAYLOR,
JOHN WYCISKALA, ESQ, (APPEARING)

PREMISES: 319 Route 46
Block 14, Lot 1 (Little Ferry)
Block 1.05, Lot 3.01 (South Hackensack)

OWNER OF
PREMISES: PAUL LITTLE, LLC

DATE OF
PRESENTATION: December 20, 2010

ENGINEERING PLANS entitled "As Built Survey, McDonald's Corporation, 319 N.J.S.H. Route 46, L/C # 029-1130, Lot 1, Block 14, Borough of Little Ferry, Lot 3.01, Block 1.05, South Hackensack Twp, Bergen Count. New Jersey" as prepared by John P. Lynch, PLS, Control Point Associates, Inc. dated August 10, 2000; and plans entitled "Proposed Site Improvements, Phase II for Existing McDonald's Restaurant, Tax Map #4, Block 1.5, Lot 3.901, Township of South Hackensack, Tax Map #8, Block 14, Lot 1, 319 NJSH Route 46, Borough of Little Ferry, Bergen County, New Jersey" prepared by Keith B. Cahill, P.E., Bohler Engineering dated September 10, 2010, revised November 15, 2010

APPLICATION: Site plan approval to renovate an existing McDonald's Restaurant and limited site improvements to the parking lot and driveway

DECISION: Approved on December 20, 2010

WHEREAS, the applicant, McDonald's Corp., is the lessee of property designated as Lot 1 in Block 14 on the tax assessment map of the borough of Little Ferry and Block 1.05, Lot 3.01 on the tax assessment map of the Township of South Hackensack more commonly known as 319 Route 46 East; and

WHEREAS, the applicant seeks approval to renovate an existing McDonald's Restaurant and make limited site improvements to the parking lot and driveway; and

WHEREAS, the applicant has presented satisfactory proof to the Board that notification in accordance with the applicable statutes including publication of notice of hearing in the Record on December 9, 2010 was accomplished, and the Board has acquired jurisdiction to hear the matter; and

WHEREAS, on December 20, 2010, the Board held public hearings at which time it heard the testimony and considered the argument on behalf of the applicant as well as from all other persons wishing to be heard; and

WHEREAS, on December 20, 2010, the Board, at a public hearing and in open session conducted its deliberations in connection with said application; and

WHEREAS, after due consideration and deliberation the Board did adopt a voice resolution approving said application amended during the course of the hearings; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g), said decision must be reduced in writing and shall include findings of fact and conclusions based thereon; and

WHEREAS, the following Board members were present and voted to approve the application : Frank Cagas, Pat Spadavecchia, Anthony Vigilanti, Ray De Riso, Leo Rossi, B. Walsh, V. Stefano and F. Capolupo; and

WHEREAS, pursuant to N.J.S.A. 40:55A-10 (g) said decision must be reduced to writing and shall include findings of fact and conclusions based thereon; and

WHEREAS, the statute further provides that the Board may provide such written decision by adoption of a resolution of memorialization at a subsequent meeting; and

WHEREAS, the Board hereby finds as follows:

1. The applicant previously appeared before the Planning Board and received site plan approval to construct a McDonald's Restaurant on December 15, 1999.

2. The subject property is irregularly shaped, with street frontage on two of its sides. The property has 200 feet of frontage on Route 46 and additional frontage (by way of an easement) on Main Street. The Main Street frontage is to be used as a secondary means of ingress and egress to the site.

3. The property contains a total of 64,177 square feet. The lot is, therefore, a preexisting nonconforming lot in the B-H Zone in which it is located, since there is a requirement for lot size of 80,000 square feet.

4. The applicant proposes to renovate an approximately 3,570 square foot existing McDonald's Restaurant on the site and undertake site improvements to the parking lot, driveway and drive-thru.

5. The property is located in both the Borough of Little Ferry and the Township of South Hackensack. The building is located within the Borough of Little Ferry.

6. As described by the applicant's witnesses, the property is located on Route 46, a major arterial highway under the jurisdiction of the New Jersey Department of Transportation. Route 46 contains two travel lanes in each direction immediately adjacent to the site and has posted speed limit of 40 miles per hour to the east of Phillips Avenue and 45 miles per hour to the west of the site.

7. The site also has a secondary means of ingress and egress through the rear of the property onto Main Street. Main Street is a single lane collector roadway with a speed limit of 35 miles per hour.

8. As described by the applicant's witnesses, the site is located in an area which is predominantly commercial in nature, although there are several residences towards the rear (Main Street) side of the site.

9. Keith Cahill, a licensed Engineer, testified as follows:

The existing site is 1.473 acres with 50% of the property located in Little Ferry and 50% located in South Hackensack. The building is located in Little Ferry. There is a hotel to the west of the site, automobile and commercial uses to the east and a Verizon store and residential dwellings to the rear. The building is 3570 square feet and has 74 seats. The impervious coverage is 58%. McDonald's is undergoing a national program to refurbish its properties by updating the interior and changing the colors of the exterior. With respect to this site, McDonald's is also seeking to increase the efficiency of the drive-thru as same now constitutes 60-70% of all food sales. The access point to the site will remain on Route 46. The existing drive-thru has 40' between the menu board and the pay window. Only two (2) vehicles can line up. The applicant proposes to relocate the menu board 100' from the pay window and install two (2) menu boards. This will allow for five (5) vehicles to line up before the pay window with 3 to 4 vehicles behind the menu board. There will be the same drive-thru pattern. The number of parking stalls will be decreased from 47 to 37; however, only 30 are required. The existing menu board south of the building and 10' from the pay window will be removed. Two (2) new menu boards will be installed southwest of the existing building; one (1) menu board in Little Ferry and one (1) in South Hackensack.

10. The applicant requires a sign waiver for the menu boards as 16 square feet is permitted and 43 square feet is proposed. The menu boards are not visible from the road nor surrounding properties and will only be visible to the drivers at the drive-thru.

Additionally, one inlet will be installed, the existing parking lot will be repaved and grass will be added to the island.

11. The South Hackensack Fire Prevention Bureau reviewed the application and in a letter dated November 23, 2010, stated "all is satisfactory that pertains to Block 1.05, Lot 3.01, South Hackensack".

12. The applicant will continue to utilize an access easement dated May 26, 1999 which runs to 2019.

WHEREAS, the Board concludes that the proposal of the applicant is in accordance with the zoning and planning scheme of the Township of South Hackensack and upon satisfaction of all the conditions hereinafter imposed will not be detrimental to the general welfare; and

WHEREAS, the Planning Board has considered the application submitted by the applicant with reference to the objectives set forth in the South Hackensack Book entitled the Zoning Ordinance of the Township of South Hackensack; and

WHEREAS, the application as approved by the Board will be compatible with the aforementioned objectives of the zoning ordinance; and

WHEREAS, the waiver for the total area of all signs are warranted given the unique physical shape of the property, the size of the building and its location and that said waivers will advance the purposes of the municipal Land Use Law and that the benefits of such deviation will substantially outweigh any detriment thereto to the Zone Plan in that the signage will provide identity to the business and provide greater visibility for the drive-thru customers and will not be visible from the roadway or surrounding properties; and

WHEREAS, the Planning Board finds that the sign variance is necessary for the efficient use of the site and improves the efficiency of the drive-thru; and

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of South Hackensack that the application for a waiver for signage and site plan approval to improve the restaurant, parking lot and driveway are hereby approved and granted subject to the following terms and conditions:

1. The applicant shall comply with the requirements of all governmental agencies and Township ordinances and regulations applicable to its project set forth in the Plans.
2. Subject to all applicable ordinances, rules, regulations and law of the Township of South Hackensack, the County of Bergen, State of New Jersey and the U.S. Government.
3. An as-built plan showing the signage as actually installed shall be submitted for review and approval of the Township Engineer.

4. Subject to Bergen County Planning Board approval.
5. Subject to approval from the Little Ferry Planning Board.
6. Subject to compliance as set forth in the Board Engineer's letter dated December 1, 2010.
7. There shall be no lighting installed for the signage.
8. There shall be no other signage other than the two (2) signs subject to this approval.

DATED:

Al DeRiso
Chairman

On March 3, 2011 according to the below indicated votes.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>No Vote</u>
P. Spadavecchia	✓			
F. Capolupo	✓			
<i>Absent</i> - F. Cagas <i>(Arrived too late to vote)</i>	✓			✗
A. Vigilanti	✓			
L. Rossi	✓			
R. DeRiso	✓			

APPROVED (✓ 5)

DISAPPROVED (⊖)

Attest: Lydia Heinzelman
Lydia Heinzelman
Secretary

Approved: Al DeRiso
Chairman

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on the 24th day of March, 2011.

Lydia Heinzelman
Lydia Heinzelman, Secretary

**CERTIFICATION TO THE RESOLUTION
OF THE TOWNSHIP OF SOUTH HACKENSACK**

DATED: March 24, 2011

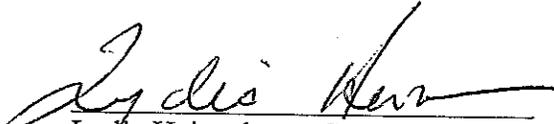
REGARDING THE APPLICATION OF:

MCDONALD'S RESTAURANT

APPLICATION NO. 2010-05

I hereby certify that the foregoing resolution truly represents the resolution passed
by the Planning Board of the Township of South Hackensack on March 24, 2012,

5 members present voting affirmatively, 0 members voting in the
negative, and 0 members abstaining. 1 Absent


Lydia Heinzelman, Secretary

The newspapers of **New Jersey** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Bergen

Printed In: The Record, Hackensack

Printed On: 2011/03/30

PLANNING BOARD

TOWNSHIP OF SOUTH HACKENSACK

PUBLIC NOTICE

NOTICE is hereby given that the Planning Board of the Township of South Hackensack, by resolution duly adopted on March 24, 2011 for the reasons set forth in its resolution of that date, conditionally granted approval to the application of McDonald's Restaurant, as to premises designated as Block 1.05 Lot 3.01 and more commonly known as 319 Route 46, for site plan approval to renovate an existing McDonald's Restaurant and limited site improvements to the parking lot and driveway. Said approval was made expressly conditioned upon the satisfaction of all of the terms and conditions contained in that resolution. A copy of that resolution is on file in the office of the Township Clerk, 227 Phillips Avenue, South Hackensack, New Jersey, and is available for inspection by members of the public during the regular business hours of that office.

Dated: March 28, 2011

Lydia Heinzelman, Secretary

South Hackensack Planning Board

March 30, 2011-Fee:\$30.24(32) 3049369

Public Notice ID: 16124265