



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
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B U R G I S
A S S O C I A T E S , I N C .

MEMORANDUM

To: Borough of Hillsdale Planning Board
From: Tom Behrens, Jr., PP, AICP
Subject: 441 Hillsdale Ave, LLC (Chipotle Mexican Grill)
441 Hillsdale Avenue
Block 1105 Lot 4
Site Plan Application with 'c' Variance Requests
Date: January 21, 2022
BA#: 3766.07

INTRODUCTION

The Applicant, 441 Hillsdale Ave, LLC, has submitted revised site plans in their request for minor site plan approval and 'c' variance relief to renovate the existing building at the above-referenced property formerly occupied as a Friendly's restaurant for use as a new Chipotle Mexican Grill restaurant with associated site improvements. The property is located in the Borough's C Commercial Zone wherein restaurants are a principal permitted use. It is noted that the previously proposed drive-thru has been eliminated and a new walk-up window is proposed in its place. The extent of proposed plans revisions is detailed herein. Please refer to our November 30, 2021 memorandum for a complete overview of the site and proposed development.

DOCUMENTS SUBMITTED

Our office is in receipt of the following documents:

1. Site plans (10 sheets) prepared by Page Consultants, Inc., dated revised January 10, 2022.

PLAN REVISIONS

The following proposed plan revisions are noted for the Board's consideration:

1. Use. The previously proposed drive-thru associated with the Chipotle restaurant has been eliminated. A new walk-up window will be installed on the easterly façade of the building adjacent to the parking area. The proposed use now appears to be conforming with the permitted uses of the C Zone and no longer requires 'd'(1) use variance relief for the drive-thru window.
2. Lot Dimensions. The following lot dimensions has been revised from the previous plans and do not appear to exacerbate any required variance relief:
 - Lot area now 22,250 sf vs. 21,568 sf in previous plans
 - Lot width now 87.12 ft vs. 87.59 ft in previous plans
 - Rear yard setback is now 84.5 ft vs. 78.87 ft in previous plans
3. Parking and Circulation. The proposed parking and circulation have been reconfigured to accommodate the elimination of the drive-thru lane and installation of a new walk-up window. Site access will be provided via an ingress only driveway on Hillsdale Avenue and two-way driveway on Patterson Street. A total of 24 parking spaces, including 2 handicap and 4 mobile pickup spaces, will be provided which represents an increase in parking from the 18 previously proposed spaces where the 30-seat restaurant requires a minimum of 30 parking spaces.

The Board should consider the appropriateness of installing a bike rack at this location.

The Applicant shall demonstrate the ability of the revised site circulation and parking to accommodate the proposed restaurant use. While no formal loading space is required for the 2,445 square foot building, the Applicant shall confirm the nature and frequency of deliveries to the site.

4. Outdoor Seating. The Applicant shall confirm if the revised plans include any outdoor seating.
5. Fencing. The existing length of chain link fence along the site's Hillsdale frontage will be removed as requested.
6. Landscaping. The Applicant shall confirm the extent of any revisions to the landscape plan from the previous plans. The landscaping plan still does not depict the existing conditions or proposed improvements for existing landscape beds. Additional landscaping should be provided along the site's northerly and westerly frontages, at a minimum, as determined to be appropriate.
7. Lighting. The Applicant shall confirm the extent of any revisions to the lighting plan from the previous plans. Site lighting should not exceed 3,500K where one the lighting schedule indicates there is one 4,000K freestanding lighting type which should be amended.

8. Signage. The proposed signage has been revised to reflect the elimination of the drive-thru. The below table provides an overview of the proposed signage which include 3 wall mounted signs, refacing of the existing freestanding sign and 3 freestanding directional signs. We question if there will also be a sign for the new walk-up window. The wall mounted and main freestanding sign will be illuminated.

The existing freestanding sign is nonconforming with respect to the minimum required setback of 10 feet from the northerly lot line and maximum permitted height of 8 feet. Section 310-61C(1) stipulates *“a nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged or destroyed...”*

There are also a number of window sign decals depicted on the north and south building elevations, the details of which should be provided to demonstrate ordinance compliance. Section 310-65E(2) permits a maximum window sign area not to exceed 25% of the area of the glass surface. Window signs on doors shall not exceed 10% of the glass area of the doors on which they are affixed.

Quantity	Sign Type	Location	Dimensions
1	Wall mounted medallion sign	South building facade	12.57 sf
2	Wall mounted “Chipotle” signs	North and West facades	23.42 sf (each)
1	Freestanding monument sign (existing)	Hillsdale Avenue front yard	Not provided
3	Freestanding “Entrance” and Exit Signs	Driveways	8” x 3’ (2 sf each)

9. Trash Enclosure. The trash enclosure details indicate it will be constructed of chain link fencing with aluminum privacy slats which tend to deteriorate over time and may not be a good long-term solution for this location. The Applicant provided testimony that this enclosure would be made of masonry materials consistent with the principal building. The trash enclosure details should be revised accordingly.
10. Equipment. All ground mounted equipment should be suitably screened.

Required Variance Relief

The development application requires the following variance relief:

1. ‘c’ Accessory Structure in Front Yard. The proposed dumpster enclosure is located in the site’s Patterson Street front yard where Section 310-55H3 prohibits accessory structures in a required front yard.
2. ‘c’ Parking Front Yard Setback. Section 310-58A requires a minimum front yard parking setback of 10 feet where it appears that in several instances the parking area is less than 10 feet from the front property line along Patterson Street. It is recognized that to some extent this is an existing condition.

3. 'c' Freestanding Sign Setbacks. Section 310-61A(6) requires that all freestanding signs have a minimum setback of 10 feet from all property lines where the proposed "entrance" and exit" signs, which may constitute directional signs, have setbacks less than 10 feet. Similarly, the existing freestanding sign has an existing nonconforming setback from the northerly lot line.
4. 'c' Number of Wall Signs. Three wall signs are proposed where technically the site has two frontages and one sign is permitted for each frontage in accordance with Section 310-65A(1)(a). However, it is recognized that the site is not configured as a typical corner lot and is functionally surrounded on 3 sides by public roadways. The Applicant shall demonstrate the need or appropriateness for the proposed wall signs.

STATUTORY CRITERIA

'c' Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. **Physical Features Test:** An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. **Public Benefits Test:** An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.

Design Exceptions/Waivers

N.J.S.A. 40:55D-51.b. states, "The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question."