

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –REGULAR MEETING
MONDAY MARCH 22, 2010**

Chairman Parikh called the Planning Board Meeting of Monday, to order at 7:32 PM.

Members Present: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Mr. Purzycki, Chairman Parikh

Also Present: Anne Marie Rizzuto, Planning Board Attorney
Edward Snieckus, Burgis Associates
Gordon Meth, The RBA Group

Absent: Mayor Barberio

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey “Open Public Meetings Act”.

The meeting was opened to the public on anything not on the agenda.

Chairman Parikh announced that two of the cases on the agenda, 63 NBR, LLC Application # 10:502/10:1 and Sunnyside Builders, Application # 09:004/09:7, will be carried to April 26, 2010 at the request of the applicants.

The only other case is **Eipco Foods Corp. of Parsippany** (Taco Bell), Block: 719 Lot: 1.02, 1560 Route 46, Minor Site Plan / “C: Variance, Application # 10:506/10:3.

Reports for the record;

Burgis Associates dates March 10, 2010

The RBA Group dated March 11, 2010

Tax Assessor dated March 3, 2010

Philip Neuer represented the applicant. He called Thomas Ashbahian who was sworn in and qualified as Architect.

The applicant was in for a Minor Site Plan in September with a plan to demolish the existing restaurant and construct a new one on the same site. The applicant has had this Taco Bell for 20 years, and now has around 110 from Maine to Virginia. His new lease on the property is for 20 years with a 20 year option so he intends to be here for a long time.

The corporate parent has required that the original store be demolished and be replaced with a newer one. There will be no frying or steaming the store, the cooking is with a dry heat.

The application tonight is for signage and they need a variance for the number of signs. Mr. Ashbahian said the new facility will sit further to the street, away from the residential lots to the rear. The circulation will be the same circular motion with parking being basically the same. The main entrance will be on the side not the facing Rt. 46 as it does now although there will be a door on the front. The parking will be basically the same as currently exists but oriented to the side of the building where the main door will be. There is a door on the front, facing Rt. 46.

The site plan has been approved by the Minor Site Plan Committee. They have received their approvals from DOT (who waived the requirements since they are not changing the access) and Morris County Board, Morris County Soil and they are applying for building permits. Tonight they are here for signage.

The signage proposed is a standard shape and size for Taco Bells. There is a set of signs on three sides, the bell and the Taco Bell name appears on the front, south, and each side, east and west. There is a canopy on the west side for the drive thru. The Taco Bell and words is repeated three times on the building. On page SK-2 the size of the bell and canopy and the words Taco Bell. The total sq. ft. of the bell and the words is 21.1 sq. ft. Code allows one side on the front of 44.5 sq. ft. The variance therefore is for more than one sign, the bell and the words being considered two signs on a side, and the use of the sign on three sides where only the front is allowed.

They also ask for a variance for words to be on a canopy over the doors where the code says the letters shall not extend more that eight inched from the building.

There is an existing freestanding sign that they will reface but make no other changes. It is 24 feet high with a 64 sq. ft. sign panel. They ask for four additional freestanding signs for the drive thru. There is a ground mounted sign adjacent to the drive-thru entrance. The sign is 30 sq. ft. in area and four feet high. It has the bell and the words Taco Bell as will indication that it is the drive-thru. There is a clearance bar to indicate maximum height and there is the bell image on that sign. There is a canopy over the ordering area.

Exhibits A-1, 2, 3 & 4 are plans of the drive thru signage. #1 is the height canopy, #2 is the order point canopy, #3 is Drive thru menu board and #4 is a photo simulation of the front of the building.

The order canopy is above the stationary motorist so they don't get wet when ordering food. There are images of vegetables and a bell in the canopy. That is about 42 feet of signage. The order board is under the canopy and is 45.36 sq. ft. They are asking for variances for the series of ground signs also.

The reasons for the signage requests include, for the building signage they are looking for brand identity on a highway. The sign to the west is needed for drivers

traveling east so drivers can turn around to come back to the building. Mr. Ashbahian mentioned the safety factor of drivers seeing the signs in time to react and enter the correct driveway. The corporate image has the separate bell and words requiring the two signs in each location. The variance for the projection is again for the corporate image in placement.

The freestanding signs are part of the drive-thru and are for safety and convenience. They locate the drive-thru land and they accommodate the drive-thru working. The height bar is for safety. The canopy for the order area is for the customer and the menu board is how the drive-thru works. The height of the height clearance bar will be adjusted to be 15 feet high not 15 feet, 1 inch as shown on the plans.

Mr. Purzycki said it seems like a lot of signs. The sign on the westbound sign is duplicated by the free standing sign in front. Mr. Ashbahian said drivers do not always look up. Mr. Purzycki asked if any signs could be eliminated. Mr. Neuer said he is the one who would have to present a revised plan but what was presented is the corporate package. He said he could get rid of the statement on the clearance bar and just show the height. Mr. Ashbahian agreed that the west side is the least important,

Councilman dePierro said he understands the need for directional signs for the drive-thru but he does not see the need for advertising on those signs also. Mr. Keller said that doesn't bother him that much because it is behind the building. He asked about the drive-thru sign and if that could be smaller. Mr. Keller asked for clarification about the reduction in size. It is 150 sq. ft. He asked if Fire passed the plan for the parking and it was said that even for a minor the Fire Departments review plans.

Chairman Parikh asked about the drive-thru sign, there is no arrow, it seems it is more advertising that directional. The words drive-thru are much smaller than the Taco Bell name. Mr. Neuer said the sign is right by the lane indication where the lane is and the image is per corporate. Chairman Parikh wants an arrow, how do you know to turn before the sign and not after.

Mr. Dinsmore agreed that there are too many signs and the drive-thru sign is also much too big. Mr. Neuer said he will recommend to the applicant that the sign on the west be eliminated and if the approval is in the resolution they will have to comply. He will inquire about different directional signs for the drive-thru and they can eliminate the wording on the clearance bar. The Board does not really have a problem with that bar but a 30 sq. ft. drive-thru sign is too big. The logo is not visible from Rt. 46 but the logo is unnecessary at that point, people are already at the restaurant.

Mr. Ashbahian said he is not familiar with any other directional sign in the Taco Bell package but he agrees that a sign about 3 x 4 or 12 sq. ft. saying Drive-Thru with an arrow and possibly the name should work.

The freestanding sign is non-conforming, too tall, and they do not want to make any changes except the re-face. Mr. Ashbahian said they are allowed 75 sq. ft. and the face is 58 sq. ft. The height of the existing sign is 24 feet where 15 feet is allowed. Chairman Parikh asked if this sign hides the signage on the front of the building. Mr. Neuer said if it was lower it would. The bell on the façade is about 22 feet.

Mr. Meth asked Mr. Snieckus if we had an exclusion for ground mounted directional signs with no logo. Mr. Snieckus said it is 4 feet for a directional sign. Mr. Neuer said he will recommend a smaller sign but include the words Taco Bell and Drive Thru with an arrow. The Taco Bell would be no larger than the words Drive-Thru. The drive thru lane is about 120 feet from the throat of the driveway so he recognized there is a need for a smaller sign and he recommended 3 x 4 feet or 12 sq. ft. for the words Drive Thru with an arrow and some identification of the brand. The sign would be mounted at about 4 feet in height.

Mr. Snieckus asked about the lighting for the signs. The directional sign is internally lit forward only. The drive clearance bar is not lit. The canopy has fixtures in the top and the lights are shining directly downward. The menu board is backlit to be read. There are no lights on the decorative wall behind the menu board. There will be no change in the parking lot lights. The façade signs are internally lit. Mr. Ashbahian noted they conform with the rear buffer to the residential. The graphics on the clearance bar stand are not lit.

Mr. Snieckus asked if there have been any reports of safety problems and Mr. Neuer said there had not been.

There were no further questions from the Board. Chairman Parikh opened to the public for questions. Mr. Eng from 135 Sandra Drive which is directly behind the site asked about noise during construction. Mr. Ashbahian noted the building will be closer to Rt. 46 and away from his house. During the construction there will be some noise during the day but the buffer will remain so that should help with dust. There will be no extension of the parking lot and no change in the lighting. The restaurant will not have a liquor license. It is Taco Bell, not the Chili's.

Mr. Purzycki asked if there was any kind of agreement with the car wash or Chili's and Mr. Neuer said there are not any such agreements. Chairman Parikh said there were steps from Taco Bell to Chili's where people cross parked but there was no formal agreement. Mr. Ashbahian said they are adding landscaping along that side so that should slow that practice.

Mr. Mele asked the timeline for demolition and construction. Mr. Neuer said he has a contract on his desk now. The full job should be 60 – 90 days.

Ms. Rizzuto summarized the signs. On the plan sign D, the clearance bar, the wording ring your bell will be acceptable and the clearance height will be added.

The total height will not exceed 15 feet. Sign E, the directional sign for the drive-thru, will be 12 square feet at 4 ½ feet high, wording to be Taco Bell and Drive Thru the same size, and an arrow. The sign is to be illuminated to the front only. Signs A and C will be eliminated from the west side. The flag pole in front will remain. All of this will be shown on revised plans.

Mr. Keller made a motion to approve the Minor Site Plan and “C” variance for Eipco Foods, Taco Bell, Application # 10:506/10:3 subject to the reports of Burgis Associates dated March 10, 2010 and The RBA Group dated March 11, 2010. Also subject to the reduction of the drive thru sign to 12 square feet with illumination facing south, removing the bell and words from the west side, no graphics on the clearance bar and the flag pole to remain. Motion seconded by Mr. Dinsmore. Ayes: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Mr. Purzycki, Chairman Parikh.

The meeting was adjourned at 8:55 PM.