

Present: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark
Forrester (Attorney)
Cranmer (Planner)

Absent: Betesh

Chairman, Ms. Waterbury, called the meeting to order at, 7:00 p.m.
All saluted the flag, and the presiding officer's statement was read.

Minutes:

A motion was made by Ms. Peterson, seconded by Ms. Canonico to adopt the minutes of the March 3, 2010 meeting as submitted. All approved.

A motion was made by Mr. Fisher, seconded by Ms. Canonico to adopt the minutes and the transcript of the special meeting for Qdoba Mexican Grill as submitted. All approved.

Planning Board Representative:

K Hovnanian application still be heard, next hearing on 4/21/10

Correspondence: none

Unfinished Business:

Odoba Mexican Grill:

Shrewsbury Plaza

Bl: 31, Lot: 1

Use variance/waiver of site plan approval

Mr. Peter Falvo, Esq represented the applicant.

See Transcript which will be attached to these minutes.

Resolution 5/7/10.....

Mrs. Peterson left due to illness 8:10 pm.

Red Bank Volvo:

Henry St.

Bl: 7, Lots: 16 & 17

Appeal of Zoning Officers Decision

Mr. Marc Leckstein, Leckstein & Leckstein appeared for the applicant.

See Transcript which will be attached to these minutes.

A motion was made by Mr. Walsh, seconded by Ms. Canonico to carry the application of **Red Bank Volvo to the June 2, 2010** without further notice.

Roll Call:

Affirmative: Waterbury, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

Break: 9:35 pm. to 9:45pm, all present at roll call

New Business:

Shrewsbury Common, LP Merritt Corp & Cole Grove West LLC: Use Variance
d/b/a: Pops Garage & waiver of site plan
Bl: 20/21, Lots: 1/1.01

Mr. Forrester announced that he reviewed the service in this matter and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. Rick Brodsky, Esq. represented the applicant.

Mr. Brodsky explained that the applicant is before the board for a use “D” variance for a 1,500 sq. ft. restaurant, called Pops Garage to replace an existing space in the Grove West Shopping Center in the former California Sunshine. As part of the application the applicant has advised no changes to the site plan all existing conditions will remain the same, but the application is requesting outdoor seating, which will be part of the “D” variance without further variances.

Mr. Brodsky stated that tonight’s witnesses will include Mr. Chris Cole, owner of the center, Ms. Marilyn Schlossbach, operator of the proposed Pops Garage and Terry Smith, architect for the project. The engineer Mr. James Kennedy and planner Ms. Christine Cofone will give their testimonies at the next hearing.

Mr. Brodsky gave an overview of the application:

- 1,500 sq. ft. store
- only a façade sign is proposed, they are not proposing a new pylon sign is proposed
- nature of the restaurant is an authentic, natural Mexican restaurant
- testimony will be given on the “green” type of operation & the environmentally friendly operation
- the restaurant is an accommodation to the shoppers in the center vs. a destination type restaurant
- the parking has been monitored to ensure that there is availability in the center from December to present, with the result being an excessive number of parking spaces available at the site, which eliminates the concern of the availability of parking from a retail space to a restaurant use

- the owners of the property will have a lot of input between them and the surrounding property owners, and the homeowners have been contacted by Mr. Cole and their concerns will be addressed especially the concern of odors with a state of the art filtration system. The nearest home is 190' from the site.

Ms. Marilyn Schlossbach, operator of the proposed Pops Garage, she gave her operating experience for the past 26 years at the Jersey shore, especially in Asbury Park where she is a community activist. She advised both she and Mr. Cole feel that this use would add to the life style of the center with the other uses now existing there.

Ms. Scholossback, described the type of food of the restaurant as a vacation cuisine or a Mexican/Caribbean cuisine, which all natural and fresh as well as community minded and everything that is done within the restaurant leads in that direction.

Mr. Brodsky asked Ms. Schlossbach what are the hours of operation. Ms. Schlossbach testified that the hours will be:

- Monday through Thursday 10am-7pm (lunch & dinner only)
- Friday & Saturday - 10am-9pm
- Sunday - 11am to 5pm
- No liquor will be on site
- They are out of the building by 10:00 pm
- 38 seats with 10 employees at most is planned at this
- outdoor seating is planned with 10 seats but no more than 12 & 3 tables (seasonal only) to be serviced by the indoor employees on a sit down basis, they are not a big take out restaurant
- they use biodegradable products, and all fresh foods is recycled as most as possible
- they are planning a bike rack for both customers and employees
- the proposed outdoor seating will not encroach on the outdoor garden that the Grove West has at the site

Mr. Cranmer asked Ms. Schlossbach if the site lighting will still be on for the extra hour that they plan to be open beyond the centers closing? Ms. Scholossback said yes and they are using low impact lighting.

Mr. Cranmer asked what the number of patrons would be anticipated at?

Ms. Schlossbach feels that the turn over would be inconjunction with the wall, currently at her other restaurant they have 4 turns/day depending on the season.

Mr. Cranmer asked what would be the worse case scenario for turn over during the holidays? Ms. Scholossback feels that she will have 4 turns an average, with no more than 10 employees. Ms. Canonico asked if they do have take out? Ms. Schlossbach said that it is primarily sit down, but they will do a take out, but they do not have a take out counter available.

A motion was made by Ms. Canonico, seconded by Mr. Fisher to open the meeting to the public. All approved.

Mr. Fred Mazzucca, 10 Glorney St stated that his only concern is any odors that will be coming from the restaurant and what happens if you state that there will not be any smells and it ends up that there are odors? His other concern is that once this is approved for a restaurant what happens down the road when another user comes in. He stated that they have not had any problems with the Grove, but his concern is the smell of foods and who could he ask about the ventilation that is to be used.

Ms. Schlossbach said that she has been in touch with a ventilation company and they will be using a ventilation filtering system for odors which is used in New York when there is a restaurant in a residential area. She testified that she has not used the system but hopes that it does what the manufacturer tells her it will do, and if it doesn't work she would be willing to go to the next step. She has had many restaurants in residential areas and she is always open to addressing any situations with her neighbors. She has been advised that it will work for them. Mr. Brodsky submitted the brochure into evidence, marked as A-1, handout to board members.

Mr. Lester Van Pelt, 14 Glorney Street, gave his concerns with regard to the additional garbage that will be generated by the restaurant, since the dumpster is so close to his house.

Mr. Brodsky said that they will continue with the daily pick ups at the center.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to close the meeting to the public. All approved.

Mr. Terry Smith, Architect, was sworn; he gave his educational & professional background and was accepted as an expert witness in architecture. Mr. Forrester marked the following into evidence:

- A2: Architectural plan dated 2/16/10
- A-3: color rendition of floor plan/outdoor seating
- A-4: color elevation of side and front of shopping center

Mr. Smith referred to exhibit A-3 and described the floor plan. There will be 38 seats inside, counter tops, and banquettes for customer seating. The work area will be to the side of the store, and storage will be in the rear of the store. The outdoor area will be kept close to the existing landscaped area and extend the stained concrete floor to the outdoor area and to create an organic space, and to add a few tables in this area.

Mr. Smith referred to exhibit A-4 and described the elevations. The previous store front had a display entrance area. They will be using recycled materials both metal and wood for the main portion of the store. The front will hold a garage door with the entrance door along side, and when the weather is nice the door will be put up in order for the inside to spill out to the outdoors. The canopy will be a piece of recycled steel, with the Pops Garage logo, which is a bicycle pulling an air stream trailer with "Pops Garage". It

will be in scale with the canopy with the store next store. The existing lighting will be left in place but they will use l.e.d. lights. They will be using some portable panels on the roof electricity for the use of the restaurant. The photo panels are included in the plans. The changes to the elevations will be discrete.

Ms. Waterbury asked questions with regard to the garage door that will be used. Mr. Smith explained that it is an aluminum door and with all glass panels.

Mr. Walsh asked if they will be using a portion of the store next door? Mr. Smith said that portion is not being used by "Four Seasons" and it is available to help with their store.

Ms. Waterbury asked what will be the process for the trash? Mr. Smith explained that there will be a trash & recycling closet inside, and will be stored inside with an air conditioning system in the closet. They only take the trash out in the morning and evening; they don't take trash out during the day when there are customers. They will have to bring the trash out across to where the trash dumpsters are located.

Mr. Cranmer asked Mr. Smith if he reviewed the filtration system? Mr. Smith said yes. Mr. Cranmer asked if it will be on the roof top or inside? Mr. Smith said that they can do it either way. If they can install it in the drop ceiling that is the way they prefer to install it. Mr. Cranmer asked if the manufacturer if there are any options for noise attenuation. Mr. Smith said that he did not know. Mr. Cranmer said that he would like information on that before the next meeting. He explained that the proposed sound levels exceed our Borough Ordinances; he would like Mr. Smith to compare the sound emissions to our Ordinance to see if there is attenuation that needs to be in order to bring it down to the accepted levels. Especially if they plan on using the unit inside, and if it is on the roof they will have to know what noise level it will be for the adjoining properties. Mr. Smith agreed to look into this. Mr. Brodsky asked how far it is to the closest neighbor? Mr. Smith said approximately 190'. Mr. Forrester marked a color rendering of the final major site plan, dated 10/4/06 as A-5 into evidence.

Ms. Clark asked Mr. Smith questions with regard to pedestrian safety and crossing the main thorough fare through this shopping mall, and she feels that one of her main concerns is that there is allot of people who "cut through" from the Post Office. She stated that she is on the ADHOC committee, and this area is one of the areas that have been identified with concerns. She would like to make sure that there is a good cross area for pedestrian safety.

Ms. Stambaugh asked if they will be using fryers? Ms. Schlossbach said yes. Ms. Stambaugh asked if there is a back door? Mr. Smith said no. Ms. Stambaugh gave her concerns if there is a grease fire and no back door for the safety of the employees in the rear. Mr. Cranmer said that would be the concern of the construction official, but he knows that the drop off in the rear of the building would not allow a back door. Mr. Walsh asked Mr. Smith isn't there concern with the use of a restaurant relative to an emergency exit? Mr. Smith said yes, he not only looks at the code but ...(inaudible). He

stated that this is a low occupancy space, the distance to the door isn't very far, and he feels comfortable with what they have done here.

Ms. Stambaugh said that the original building was built for retail, are they planning to put in fire walls? Mr. Smith said yes, they will put in what ever they need for fire separation between the different uses. He needs to check the thickness of the sheetrock which currently exists to ensure that it is 1 hour rated.

Mr. Cranmer asked if a fire suppression system will be installed? Mr. Smith said yes, they will have an elaborate one throughout the store.

Ms. Canonico asked where do the deliveries come into and how many are made?
Ms. Schlossbach said that in the height of the season 2 week, one in the beginning of the week and one at the end, during off season only 1 delivery. They are on a delivery schedule with most of their vendors so they cannot even get deliveries every day except for produce, which is minimal. The deliveries are made before they open in the morning so they can prep for lunch.

Mr. Walsh asked if there is a designated area for deliveries? Ms. Schlossbach said they will deliver on the side of the building. Mr. Forrester asked if any of the deliveries are made by tractor trailers? Ms. Waterbury suggested holding this question for the engineer, with respect to the movements of the deliveries.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to open the meeting to the public. All approved.

There were no questions/comments

A motion was made by Ms. Canonico, seconded by Mr. Walsh to close the meeting to the public. All approved.

Mr. Brodsky asked to have this matter carried to the May 5, 2010 meeting.

A motion was made by Mr. Walsh, seconded by Ms. Canonico to grant the request of Pops Garage to carry to May 5, 2010 without further notice.

Roll Call:

Affirmative: Waterbury, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

A motion was made by Ms. Clark, seconded by Mr. Fisher to adjourn the meeting @ 9:35 pm. All approved.