



**City of Linden**  
**Union County, New Jersey**  
**Department of Community Services**  
**Division of Engineering**

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**Nicholas J. Pantina, PE, CME, CPWM**  
**Director & City Engineer**

**Joseph C. Chrobak**  
**Supervising Engineer**

September 4, 2020

Attn: Dorothy Kotowski, Planning Board Secretary  
City of Linden Planning Board  
Linden, New Jersey

Re: *Application No. SP 1129-20*  
*Linden Development, LLC*  
*Amended Preliminary & Final Major Site Plan*  
*Block 469 Lot 38.05 – Proposed Freddy's Frozen Custard & Steakburgers*  
*1016 West Edgar Road, Linden, NJ*

Dear Chairman and Board Members:

On July 24, 2020, the Division of Engineering received the following support items, for the above referenced application:

- One (1) set of fifteen (15) sheets dated 07/20/2020, entitled "Amended Preliminary & Final Major Site Plan for Freddy's Frozen Custard & Steakburgers Restaurant with Drive-Thru", portion of - Lot 38.05 Block 469 (Formerly Lot 38.01, Block 469)", prepared by Bohler Engineering NJ, LLC;
- One (1) set of six (6) Architectural Drawings dated 07/13/2020, including Architectural Site Plan & miscellaneous detail of site amenities, prepared by Winter Architects;
- One (1) set of seven (7) sheets dated 11/08/17, entitled "ALTA/NSPS Land Title Survey", prepared by Control Point Associates, Inc.;
- Storm Water Management Report for Proposed Freddy's Frozen Custard & Steakburgers with Drive-thru for portion of - Block 469 Lot 38.05, dated July 2020, prepared by Bohler;
- Traffic Assessment, Amended Site Plan Legacy Square, dated 02/18/19, prepared by Langan Engineering and Environmental Services, Inc.;
- Completed Application for Amended Preliminary & Final Site Plan Approval dated 7/22/2020, including Cover Letter and list of variances.

The Linden Planning Board previously granted by resolution: Amended Preliminary Site Plan for Phase 2 & Phase 3; and also Amended Final Site Plan for Phase 2 development of Legacy Square on May 14, 2019. The Preliminary Site Plan approval for Phase 3, included the preliminary approval of seven (7) pads along NJSH Rts. 1&9. The Applicant now seeks amended preliminary & final site plan approval, with variance relief, for the construction on approximately 2,591 square feet Freddy's Frozen Custard & Steakburgers Restaurant, including 84 Indoor Seats/16 Outdoor

Seats, with Drive-Thru & related site improvements, on one (1) of the previous approved pad sites within Phase 3 of Legacy Square.

*The Applicant is seeking variance relief for the following:*

- *Sec. 31-19.8.1 - Drive-thru lanes must be separated with a landscaped island, from parking areas and circulation aisles – 5 feet required vs. Zero (0) feet proposed (No island);*
- *Sec. 31-11.6.e.2 – Trash Enclosure Distance from Internal Property Line – 10 feet required vs. 5.2 feet proposed;*
- *Sec. 31-27.17 – Off Street Parking Setback to Side and Rear Property Line – 3 feet required vs. Zero (0) feet proposed;*
- *Sec. 31-27.7 – Interior One-Way Aisle Width for Parking Area – 15 feet required vs. 10 feet proposed;*
- *Sec. 31-11.8.3(d) (1) – Maximum Sign Area shall be two (2) square feet for each one (1) linear foot – Southside sign limits 74 feet vs. 74.4 feet proposed;*
- *Sec. 31-11.8.3(d) (4) – Maximum Upper Case Letter Height – Limit 36 inch vs. 38.5 inch proposed;*

*The above referenced variances will be further discussed in the Planner's Report.*

On August 14, 2020, a virtual Technical Review Committee meeting was held with the Applicant's Engineer, in review of the application to be heard on 9/8/20. At this meeting, the Applicant's Engineer was strongly advised by City Professionals, to move the proposed northerly subdivision property line of the parcel in question, and avoid the creation of a land-locked lot. The lot as proposed does not have direct access to the Overall Tract Internal Site Road, and therefore will require an easement, not currently addressed on the plans. By moving said northerly subdivision line, at least 1 variance from Sec. 31-27.17 will be satisfied, and the lot in question will not be Land-Locked. The Applicant will be required to provide testimony for this matter.

*Architectural, Stormwater Management, Traffic & Parking review comments will be included in other Professional's Reports.*

Our comments limited to the drawings prepared by Bohler Engineering NJ, LLC are as follows:

SHEET No. C-302

- All Proposed signage & pavement markings R1-1, R5-1, R6-1R, R1-5b (Left), R1-5b (Right) etc., shall be specifically annotated on the drawings, per MUTCD Designation;
- Driveway Width and Curb Opening at internal Site Road to the shopping center, shall be dimensioned on the drawing;
- Proposed Trash Enclosure door while open, will block one drive lane. The Applicant's Engineer shall provide testimony clarifying this;
- Three Red Color Detectable Warning Surface Pads shall be delineated on the drawings where flush curb is proposed: One either side of the Pedestrian Crossing at Drive-thru lane; One at the proposed Handicap Parking Spaces;
- R1-5b, Yield to Pedestrian Sign is required, immediately northeast of Proposed Trash Enclosure, advising motorists of Pedestrian Crosswalk;
- The Applicant's Engineer shall provide testimony how emergency vehicles will service the property;
- Vehicular Circulation for both drive-thru lanes must be delineated on the drawings. The Applicant's Engineer shall provide testimony, how drive-thru customers from both lanes will access the food delivery window without creating conflicts;

- The Applicant's Engineer shall provide testimony of how & when deliveries will be made to site, including vehicle size.

The above comments shall be considered in addition to the various Linden Planning Board Reports, provided by our Professional Staff, including but not limited to: Planning, Traffic Engineering & Parking, Stormwater Management & the Linden Fire Prevention Bureau.

Road Opening, Curb and Sidewalk permits will be required through the Linden Engineering Division.

Please be advised that upon the satisfaction of the City Engineer, Planning Board Planner, & City Planning Board Attorney, revisions and or modifications to supporting plans and documents may be required.

Upon receipt and review of said revisions (if required), in compliance with any resolutions, final plans will be endorsed by the Planning Board. Until such time, only Conditional Approval can be attained.

If you have any questions or concerns regarding the comments represented above, please contact our office.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'N. Pantina', with a long horizontal flourish extending to the right.

Nicholas J. Pantina, P.E, C.M.E., C.P.W.M.  
Director, Department of Community Services & City Engineer

cc: Council President Michele Yamakaitis; Engineering Committee; Paul Ricci, PP; Mark Ritacco; Anthony Rinaldo, Esq; Lee D. Klein, PE; Deputy Fire Chief Lawrence J. Kolesa; Brad Thompson, PE; John Michalski, Esq.