

September 3, 2020

City of Linden Planning Board  
City Hall  
301 North Wood Avenue  
Linden, NJ 07036

Attn: Dorothy Kotowski, Planning Board Secretary

Re: Linden Development, LLC – SP#1129-20  
Freddy’s Frozen Custard & Steakburgers Restaurant  
Site Plan and Bulk Variances  
Block 469, Lot 38.05 – PCD Zone  
1016 West Edgar Road

Dear Chairman and Board Members:

We are in receipt of the above-referenced application, which seeks final site plan approval together with bulk variance relief to construct a 2,591 square-foot Freddy’s restaurant within an existing commercial property that is currently developing with a Wal-Mart store, a hotel, retail shops, restaurants and a health club. In connection with the above-referenced application, we have reviewed the plans and supporting documentation filed by Linden Development, LLC. The site plan was prepared by Bohler Engineering and is dated 7/20/20. The plans consist of the following sheets:

- Cover Sheet
- General Notes Sheet
- Zoning Notes Sheet
- Overall Site Plan
- Site Layout & Demolition Plan
- Grading Plan
- Drainage and Utilities Plan
- Soil Erosion Control Plan
- Soil Erosion and Sediment Control Details
- Landscape Plan
- Landscape Notes and Details
- Details Sheets ‘1-3’
- Property Survey

Architectural drawings were prepared by Winter Architects and are dated 7/13/20. The drawings consist of the following sheets:

- Architectural Site Plan
- Site Plan Details
- Trash Enclosure Plan and Details
- Floor Plan
- Exterior Elevations
- Exterior Elevations

### 3. Description of the Development and Compliance with City Development Regulations

Based upon our review of the applicant’s plans and supporting documentation, an evaluation of the site and adjacent area, and analysis of the City’s Land Development and Zoning ordinance, we offer the following for the Board’s consideration. While the principal building conforms to the City’s Area, Yard and Bulk requirements, bulk variance relief is required to construct new site signage, the location of the trash enclosure, drive-aisle width, parking setbacks and design criteria associated with the drive-through design.

### 4. Planning Considerations

#### a. General.

1. The City’s code in Section 31-4.2 does not allow more than one principal use on a nonresidential lot except where specifically permitted by the zone regulations or associated with a commercial or industrial center. The proposed restaurant utilizing common customer parking and managed as a unit complies with these requirements. The intent is for commercial uses to be designed with unifying elements, while still allowing for individual branding.

#### b. Off-street parking and circulation.

1. Parking. Sheet C-103 provides a table identifying compliance with the City’s off-street parking requirements. We note that 38 spaces are required, and 38 spaces are provided. We further note that an additional 8 spaces are provided just to northeast of the property line. These spaces will count towards required parking associated with the adjoining site to the northeast. The applicant should discuss this design through testimony. At a TRC meeting, it was recommended that the subdivision line be revised to exclude such spaces.
2. A variance is required from Section 31-27.17 to permit a 0-foot parking side yard setback where 3-feet is required. This variance is associated with the lot line running through the parking field.
3. Section 31-19.8 Restaurants, Drive-Ins and Restaurants, Fast Food was revised in 2016 to require that drive-through lanes shall be separated from parking areas and circulation aisles with a 3 to 5-foot landscaped island which is located and designed in a manner that provides safe ingress and egress to and from the drive-through. The applicant does not comply with this requirement. A variance is required.
4. Circulation. The applicant proposes an undersized drive-through lane of 10-feet where a minimum of 15-feet is required for one-way travel as per Section 31-27.7 of the City’s Code. Section 31-27.8 recognizes that driveways shall not be less than 12-feet in width.
5. Sight triangles. While it appears that all landscaping has been designed in a manner that will not restrict sight lines to internal driveways, testimony shall be provided demonstrating that landscape plan was designed as such.

6. Outdoor dining area. The applicant shall clarify how the outdoor dining area is delineated. It appears that black fencing is proposed to delineate this area. Testimony shall be provided regarding these particulars.
  7. The applicant shall clarify truck movements throughout the site and how deliveries will occur. What is the size of the largest delivery truck? Turning templates shall be provided. Are any site restrictions proposed as to the size of trucks that will be servicing the building?
- c. Landscape/Lighting/Retaining Walls.
1. Landscape. The applicant proposes a landscape plan that includes a mix of trees, shrubs and grasses. The landscape plan is acceptable from a planning perspective.
  2. Lighting. We take no exception to the lighting plan. Ideally, a consistent light pole design should be incorporated into all the pad-style sites. Testimony should be provided in this regard.
- d. Architecture/Floor Plans/Signs
1. Building design. The applicant proposes to clad the building with a combination of brick and stucco. It is unclear whether a brick veneer or full brick is proposed. Testimony shall be provided as to the design elements that adhere to Section 31-11.3., which requires that architecture should provide a coherent design theme throughout the development, using rooflines, building materials, entrance locations and massing of buildings to provide a compatible visual relationship between the various buildings and uses. It appears that variance relief is required. We note that the proposed building design would “stick out” and will not blend in well with the other approved buildings. While the use of red as an accent color and associated with the brand logo is not discouraged, using red in such a dramatic fashion is inconsistent with the requirement for a unifying design theme. We believe that the amount of red on the building should be toned down similar to other designs that we reviewed on the internet.
  2. The applicant shall clarify the full use of “bright” red. It appears that bright red coloring is proposed on:
    - i. The roofline;
    - ii. Signs;
    - iii. Awnings (mixed with white in a racing pattern);
    - iv. Window exterior and interior trim (plans shall be clarified);
    - v. Gooseneck lighting;
    - vi. Handrails;
    - vii. Bollards;
    - viii. Trash enclosure coping; and
    - ix. Other (testimony shall be provided)?

3. Monument/freestanding sign. No information or details have been provided regarding the monument sign along the property frontage. It is our understanding that the monument signs were approved during the Phase I portion of the application. Testimony shall be provided at the hearing regarding whether any changes are proposed.
  4. Building mounted signs. According to the applicant's Zoning Table, sign variance relief is being requested to allow for individually mounted letters for wall signs on the non-street-facing building sides.
  5. The applicant requires a de minimis variance to permit wall signs that are 74.4 sq. ft., where 74 sq. ft. is permitted and letter heights of 37.5 inches where up to 36 inches is permitted.
- e. Garbage/Refuse.
1. The applicant proposes a trash enclosure to be mimic the primary building materials. A note shall be added, which indicates the material associated with the swing gate. Our recommendation is to use a masonry enclosure (provided) that is consistent with all other enclosures on the subject tract and to use the Trex or similar decking along the fence gate. Bright red coping is proposed along the top of the enclosure, which we question the need for considering the design intent of the ordinance for the tract.

Should you have any questions, please contact us.

Very truly yours,



Paul N. Ricci, AICP, PP  
Planning Consultant

CC: Tony Rinaldo, Esq., Planning Board Attorney (via e-mail)  
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