

MINUTES
PLANNING BOARD
BOROUGH OF NEW PROVIDENCE
TUESDAY, OCTOBER 6, 2015

A. CALL TO ORDER 8:03 p.m.

B. PUBLIC NOTICE: This is a Public Meeting of the Planning Board of the Borough of New Providence, County of Union, and State of New Jersey. Adequate notice of this meeting has been given in accordance with Public Law 1975, Chapter 231, in that an Annual Notice or Revision was made in conformance with Section 13 of the Act.

C. ROLL CALL: Present: Gene Castagna, Matt Cumiskey, William Hoefling, Gary Kapner, Robert Lesnewich, Mayor Al Morgan and Robert Sartorius. Absent: Dan Henn and John Keane. Also present: Steve Warner, Board Attorney; Amanda, Wolfe, Attorney; Fred Heyer, Borough Planner; Michael O’Krepky; Borough Engineer; Keith Lynch, Director of Planning & Development; and, Margaret Koontz, Secretary.

D. PLEDGE OF ALLEGIANCE

E. RESOLUTION

New Providence 2008 LLC, 705 Central Avenue, Block 185, Lot 23.01, TBI-2 Zone, for amended site plan approval for change of use and parking variance. Bulk variances for front yard, impervious coverage and floor area ratio are existing non-conformances with no changes proposed.

The Board reviewed the resolution and found it to be acceptable. Mayor Morgan moved to approve it as submitted. Mr. Hoefling seconded the motion. Members voting in favor: Mr. Cumiskey, Mayor Morgan, Mr. Sartorius, Mr. Castagna, Mr. Hoefling and Chairman Lesnewich.

F. PUBLIC HEARING

Nickar, LLC doing business as Tide Dry Cleaners, 50 South Street, Block 150, Lot 2, Central Commercial District for site plan approval for demolition of existing one-story building and construction of a new one-story building with canopy for a dry cleaning establishment.

Jennifer Knarich from Price, Meese, Shulman & D'Arminio, attorney for the applicant, introduced the application of Nickar, LLC doing business as Tide Dry Cleaners. The applicant is a long-term lessee of the 20,000 SF property in the Central Commercial District (CCD). The proposed use is permitted in the zone and the applicant is seeking site plan approval with variances to demolish the existing drive-through bank and construct a new one-story building with a canopy for Tide Dry Cleaners. Tide Dry Cleaners will offer a valet service, an automated kiosk open 24 hours, local home delivery plus in-store service. The applicant will provide testimony to address the question in the planner's review letter dated September 29, 2015, as to whether the valet service constitutes a drive-in/through which is not permitted in the zone. The applicant seeks variances for the signage and also a variance because the proposed building does not front a public street.

Jason Price, Director of Construction, for Tide Dry Cleaners, a subsidiary of Procter & Gamble was sworn in. Tide Dry Cleaners has been in business for six years and has 32 locations in the U.S. Twenty four of the locations have plants where the dry cleaning is done on site and eight are drop stores where laundry is dropped off and picked up but the cleaning is done elsewhere. A plant location is scheduled to open in Summit the week of October 11, 2015, and will process the clothes from the proposed location in New Providence.

Mr. Price described the valet, 24-hour kiosk and home delivery services. For the valet service, customers will pre-register and will be provided a bag with a serial number. The customer will drive through under the canopy and a customer service representative will come out to the car and either pick up laundry from the driver or load it into the vehicle. Drop off and pick up of clothes are based on the customer's serial number. Drop-off service takes between 30 and 60 seconds and pick-up service takes 60 to 90 seconds. The maximum time is two minutes. The automated 24-kiosk service is similar to ATM service at a bank. The customer parks and goes to the kiosk, puts his/her card into the machine and picks up the clothes. There is a drop box next to the kiosk to drop off clothes after employees have left. The kiosk accounts for 10% of the business and operates 24 hours. Tide Dry Cleaners will also offer home local pick-up and delivery within a three- to four-mile range from the store. The first store opened in Cincinnati, OH five and a half years ago and the business is growing in suburban areas.

Mr. Price responded to questions from the Board. The drop-off and pick-up times are based on historical internal data and are an average across the country. Typically there are not many queuing problems. Twenty five cars per hour use the valet service with three weekday peaks: 7:30 a.m. to 9:30 a.m.; noon to 1:00 p.m.; and, 5:00 p.m. to 6:00 p.m. Tide Dry Cleaners is open on Saturday and Sunday but there are no peak times on the weekend. Tide Dry Cleaners will have two employees with two vehicles and there will be a delivery van that will shuttle back and forth to the Summit location on Morris Avenue with the clothes. The customer has to go into the facility the first time to complete the paperwork with his/her cleaning preferences, provide credit card information and get the bag and serial number.

Cash will be accepted inside the facility. Mr. Price testified at the hearing for Tide Dry Cleaners in Summit which will have a plant and valet service and there were no questions about the business being a drive-through. The New Providence location will be owned by the same franchise as Summit. Kiosk customers have to register for the service and use a credit card so the customer cannot pick up someone else's clothes. The canopy can accommodate four cars to avoid queuing. Mr. Price stated that the valet service is not a drive through: The customer is not placing an order and there is no menu board. The van will make three runs to Summit per day.

Mr. Heyer provided the definition in the ordinance of a drive-in as "A place of business so designed that patrons can be accommodated while remaining in their automobile, but not including automobile serve stations or drive-in restaurants." Mr. Lynch stated that he and the applicant went back and forth about the valet service with his first response being that the business constitutes a drive-in/through service that requires a use variance because the CCD does not permit drive-in uses. The applicant disputed this maintaining that it is a valet service not a drive-in business. A copy of the August 12, 2014, e-mail from Keith Lynch to Justin Lurk regarding the use variance was marked as Exhibit B-1. A copy of the response letter to Mr. Lynch from Price, Meese, Shulman & D'Arminio dated June 4, 2015, was marked as Exhibit B-2.

The Board had additional questions. Ms. Knarich has a copy of the lease which is contingent on approval from the Board. The Tide Dry Cleaners to open next week in Summit is the only other location in New Jersey and can operate without the New Providence location but the New Providence location is dependent on the Summit facility because of the plant. Fifty percent of the business is valet service. The employee driving the van will be more centralized out of Summit. Home pick-ups in New Providence will go directly to Summit.

Ms. Knarich testified that dry cleaning is a permitted business in the CCD and is the principal business of Tide Dry Cleaners: The valet, kiosk and home delivery services are accessory components. Mr. Heyer responded that once a business has a drive-in, it becomes a principal use. Mr. Price did not recall a restriction about drive-ins in Summit and the discussion of whether the valet service constitutes a drive-in was not part of that hearing.

The Board had no further questions for the witness and there were no questions from the public.

George Sherman, a partner in Nickar, LLC and franchise owner of Tide Dry Cleaners in Summit and the proposed location in New Providence, was sworn in. Mr. Sherman described his background and that of his partner, Lou Pacifico, and their focus on customer service. Mr. Sherman also described Tide's entry into the dry cleaning business and use of GreenEarth technology which is a silicone-based solvent and is safer than a volatile organic compound.

The following exhibits were marked:

Exhibit A-1 - Copy of the June 4, 2015, letter from Price, Meese, Shulman & D'Arminio to Keith Lynch with Concept Site Plan, and

Exhibit A-2 – Color copy of the Tide Dry Cleaners New Providence presentation on the plan (undated).

Mr. Sherman provided additional clarification to the Board's earlier questions to Mr. Price. Valet customers are given a bag with a bar code on it which the customer service representative scans. There is no slip in the bag itemizing the clothes. This is no different than if a customer leaves clothes at his/her house for pick-up service. Any disputes between the customer and Tide Dry Cleaners are settled between the parties.

Mr. Sherman further described the services provided by Tide Dry Cleaners. The facility has a large air conditioned lobby with uniformed employees and attracts good employees because of the in-store environment. To use the 24-hour kiosk service, the customer inserts his/her card and a robot retrieves the clothes and dispenses them from the pick-up slot. The slot is designed so that a customer cannot put his/her arm in the slot to get someone else's garments. There is a large drop-off box for customers to leave clothes using the bag provided. The canopy for the valet service is four cars wide and the customer service representatives can move quickly through the cars so there is no queuing. The valet drop-off service takes 30 to 60 seconds. Tide Dry Cleaners offers a "Back to Black" product, proprietary to Procter & Gamble, to restore black garments that have grayed. It also offers Tide Restore for Colors a similar product for colors.

The following exhibits were marked and described by the witness:

Exhibit A-3 – Photo board with four color photos showing the kiosk pick-up area, drop-off box, valet service area and interior store

Exhibit A-4 – Photo board with four color photos of other locations with different architectural styles

The applicant stated he was flexible regarding architectural styles and wants the buildings to fit in the neighborhood and complement the community.

Mr. Sherman was not familiar with the Design Standards for downtown. The Board briefly described the Standards. The Board noted that the building shown in the photograph on the lower left of the Exhibit A-4 (Colonial style with fluted columns, gable front, dentil moldings and other features) is more compliant with the Design Standards than the proposed building.

The applicant thanked the Board for making him aware of the Standards and the style of buildings the Borough would like to see in the Central Commercial District.

Exhibit A-5 – Photo board with two before and after color photographs of the Summit facility

The building was taken down to one wall and then rebuilt. The look of the new building (top photograph) is very different from other dry cleaners.

Exhibit A-6 – Photo board with two color photographs showing a Tide Dry Cleaners building and close-up of the valet service area, and

Exhibit A-7 – Photo board with two color photographs showing the existing bank on the New Providence site and the proposed Tide Dry Cleaners building.

The existing structure was a drive-in bank branch that has been vacant for a long time. It took a long time to convince the property owner not to build an office building on the site. The proposed structure is an improvement.

Tide Dry Cleaners provides a value-added service to residents and locates facilities in towns where the demographics can support the service. Mr. Sherman was attracted to the property because it had a canopy for the bank. Although the site is not located on the street, which is preferred by Tide, Tide personnel unanimously approved the location when it saw the town and residents during a site visit. Mr. Sherman tried to keep the existing structure but it doesn't work, and the proposed structure is an improvement. The valet service is similar to the former banking service with customers being serviced in the same manner: No orders are taken and there is no loitering. The location can support the dry cleaners and its services.

The Board discussed the application and whether the valet service constitutes a drive-in based on the definition in the ordinance. Mr. Warner stated that applicants usually submit an interpretative request to the Zoning Board of Adjustment when there may be a jurisdictional issue. Ms. Knarich responded that the applicant is not trying to circumvent anything, but it's unusual to receive a zoning interpretation and then get a call from the attorney that there is a jurisdictional issue. Mr. Warner stated that the applicant is free to continue to make the case to the Board that the valet service is not a drive-in service.

Ms. Knarich had no further witnesses to make the case that the valet service is not a drive-in use.

The public had no further questions for Mr. Sherman and there were no comments from the public.

Based on the definition in the ordinance and testimony of the witnesses, the Board unanimously agreed after much discussion that the proposed valet service allows customers to be accommodated while in their vehicle and thus constitutes a drive-in. The Board told the applicant that as much as it would like to hear the application, it does not have the jurisdiction to grant a “d” variance for the drive-in use. The Board thanked the witnesses for their time and expressed its apologies to the applicant for the expenses incurred.

Ms. Knarich withdrew the application without prejudice.

G. UPCOMING HEARING

62 Livingston Avenue, Block 145, Lots 18-24, Minor subdivision approval and bulk variances to demolish the existing house and subdivide the property into two lots and construct two new single-family residential dwellings, one on each new lot.

The application has not yet been deemed complete.

H. EXECUTIVE SESSION

No executive session.

I. OTHER BUSINESS

24-Hour Operations

The Board discussed businesses with 24-hour operations as the Borough currently has no restrictions regarding 24-hour operations. Messrs. Kapner, Hoefling and Lynch will work with the planner to determine parameters for 24-hour operations which would then be presented to the Board for discussion.

Dumpster Ordinance

Mr. Kapner discussed the need for a dumpster ordinance. Currently there is no way to enforce maintenance of dumpsters and other issues including the locations unless included as a condition of a resolution. Mr. Kapner would like dumpsters to be consolidated and fenced and has drafted a language for an ordinance. Mr. Cumiskey asked if input would be solicited from business/property owners regarding dumpsters or if conditions would be mandated. Mr. Hoefling responded that an ordinance wouldn’t be passed without public comment.

Affordable Housing

The Borough's attorney is taking the lead on this. At this time, there is nothing for the Board to do.

J. MISCELLANEOUS BUSINESS

The October 13th meeting will be cancelled and appropriately noticed.

K. MINUTES

Mayor Morgan moved to approve the minutes as submitted. Mr. Sartorius seconded the motion and the minutes were approved.

L. ADJOURNMENT

Mr. Hoefling moved and Mayor Morgan seconded the motion to adjourn. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,
Margaret Koontz
Planning Board Secretary