

APPLICATION OF FINOMOUS BLOOMFIELD, LLC
Meeting on 09/27/2022

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TRANSCRIPT OF VIDEO-RECORDED

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PLANNING BOARD SPECIAL MEETING OF THE

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TOWNSHIP OF BLOOMFIELD, NEW JERSEY

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TUESDAY, SEPTEMBER 27TH, 2022

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1 MR. LAQUAGLIA: Okay. Everybody ready? Planning,
2 board meeting -- planning board special meeting of the
3 township of Bloomfield, Tuesday, September 27th, 2022
4 is now in session.

5 Notice of the time, date, location, and agenda of
6 this meeting to the extent then known was provided at
7 least 48 hours prior to the commencement of this
8 meeting in the following manner pursuant to the
9 provisions of Chapter 231 of the Law of 1975, the Open
10 Public Meetings Act, one, by posting such notice on
11 the bulletin board of the municipal building; and two,
12 by mailing such notices to the officers of being the
13 print and press, Bloomfield Life and Star Ledger.

14 Please stand for a salute to the flag.

15 ALL: I pledge allegiance to the flag of the
16 United States of America and to the Republic for which
17 it stands, one nation under God, indivisible, with
18 liberty and justice for all.

19 MR. LAQUAGLIA: Amanda, please take the roll.

20 MS. WATERS: Mr. Lasik?

21 MR. LASIK: Here.

22 MS. WATERS: Councilman Rockwell?

23 MR. ROCKWELL: Here.

24 MS. WATERS: Councilwoman, Janet Mundell?

25 MS. MUNDELL: Here.

1 MS. WATERS: Mr. LaForte? Ms. Richardson? Dr.
2 Hill? Mr. Babula?

3 MR. BABULA: Here.

4 MS. WATERS: Mr. Harvey?

5 MR. HARVEY: Here.

6 MS. WATERS: Mr. Farnsworth?

7 MR. FARNSWORTH: Here.

8 MS. WATERS: Chairman LaQuaglia?

9 MR. LAQUAGLIA: Here. Thank you, Amanda. Very
10 well done. And let me just read this into the record.
11 Please note that all attendees at remote meetings must
12 identify themselves on screen by first and last names,
13 whether present by video or voice. Phone numbers and
14 nicknames are insufficient, please cooperate.

15 If asked to change the identifying information on
16 screen, failure to do so will result in removal from
17 the meetings. If Amanda finds that you're not
18 identifying yourself correctly, you will have one
19 minute to correct it or you will be removed at my
20 request. That said.

21 Okay. Uh, minutes of August 9th, 2022 and
22 September 13th of 2022. Can I have a motion to approve
23 those minutes, please? Anybody.

24 MS. MUNDELL: I'll move it.

25 MR. LAQUAGLIA: Councilwoman Mundell. Second.

1 MR. BABULA: Second.

2 MR. LAQUAGLIA: All in favor?

3 ALL: Aye.

4 MR. LAQUAGLIA: Opposed? None. Uh, resolutions.
5 We have a couple resolutions to read it. Just give me
6 a second. Okay, first resolution in the matter of the
7 application of DiSanti Mechanical, LLC for amended
8 final site plan approval to permit the construction of
9 a second story addition to a mixed-use building, which
10 will convert a one-bedroom unit into a two-bedroom
11 unit and add a second two-bedroom unit, and to permit
12 the installation of a new freestanding sign at
13 property located at 362 Franklin Street, block 301,
14 lot 208.

15 And let's see who could vote on this. Uh, I think
16 just about everyone except Mr. Farnsworth, I believe.
17 Do I have a motion to approve the resolution.

18 MS. MUNDELL: Motion.

19 MR. LAQUAGLIA: Councilwoman Mundell. Uh, yes,
20 she was here. Do I have a second?

21 MR. ROCKWELL: Councilwoman -- Councilman
22 Rockwell. Uh, take the, uh, take the roll. Would you
23 please Amanda?

24 MS. WATERS: Mr. Babula?

25 MR. LAQUAGLIA: Greg, you're muted.

1 MR. BABULA: You know, I don't recall -- yeah,
2 I'm sorry. I -- I -- I don't recall receiving this.
3 When was this from?

4 MR. LAQUAGLIA: The resolution?

5 MR. BABULA: Yeah.

6 MR. LAQUAGLIA: They were sent out by Mike Rubin,
7 actually for the last meeting, and again for this
8 meeting.

9 MR. BABULA: Yeah, I don't think I have them. Um,
10 I'm -- I'm going to abstain because I don't think -- I
11 don't -- I can't find them. I don't recall receiving
12 them. I haven't obviously looked at them, so I don't
13 feel comfortable voting. I'm going to abstain.

14 MR. LAQUAGLIA: Okay. I'll second it then and Mr.
15 Babula -- oh, no it was seconded, uh. Actually --

16 MS. WATERS: I'm doing the roll call.

17 MR. LAQUAGLIA: Yeah. Okay, Amanda.

18 MS. WATERS: All right. Uh, Dr. Hill is absent.

19 MR. LAQUAGLIA: Yes.

20 MS. WATERS: Uh, Mr. LaForte?

21 MR. LAQUAGLIA: He's absent also.

22 MS. WATERS: He's absent also, sorry. Mr. Lasek?

23 MR. LASEK: Yes.

24 MS. WATERS: Councilwoman Mundell?

25 MS. MUNDELL: Yes.

1 MS. WATERS: Richardson is absent. Uh, Councilman
2 Rockwell?

3 MR. ROCKWELL: Yes.

4 MS. WATERS: And Mr. -- everyone else is absent,
5 unfortunately.

6 MR. LAQUAGLIA: And me.

7 MS. WATERS: And, oh, sorry. Yeah, and you?

8 MR. LAQUAGLIA: Yeah.

9 MS. WATERS: Mr. LaQuaglia?

10 MR. LAQUAGLIA: Okay. Good. Okay. That
11 resolution's approved.

12 MS. WATERS: Okay.

13 MR. LAQUAGLIA: Next one. Resolution in the
14 matter of the application of Robinhood Hood Holdings,
15 LLC for minor site plan approval and sign variances to
16 authorize previously installed wall signs, accessory
17 to a car wash and an automobile detail center under
18 common ownership at property located at 23 and 29
19 Congress Street, block 153, lots 41 and 42.

20 And it's probably the same group. Yes. Okay. Uh,
21 do I have a motion to approve the resolution?

22 MS. MUNDELL:

23 MR. LAQUAGLIA: Councilwoman Mundell. Do I have a
24 second?

25 MR. LASEK: Second.

1 MR. LAQUAGLIA: Mr. Lasek. Okay. Thank you. Paul.
2 Amanda.

3 MS. WATERS: Okay. Um, Mr. -- no he's absent too,
4 sorry. Uh, Mr. Lasek?

5 MR. LASEK: Yes.

6 MS. WATERS: Councilwoman Mundell?

7 MS. MUNDELL: Yes.

8 MS. WATERS: Councilman Rockwell?

9 MR. ROCKWELL: Yes.

10 MS. WATERS: And Chairman LaQuaglia?

11 MR. LAQUAGLIA: Yes. And Mr. Babula was there
12 also for that.

13 MS. WATERS: But I thought he was saying he
14 doesn't have them.

15 MR. LAQUAGLIA: No, that was -- you have to call
16 him each time.

17 MS. WATERS: Oh, okay.

18 MR. LAQUAGLIA: Yeah --

19 MS. WATERS: Mr. Babula?

20 MR. BABULA: Yeah. I didn't get this one either,
21 so I'm going to abstain.

22 MR. LAQUAGLIA: Abstained. Okay.

23 MR. BABULA: Could you resend me those two
24 resolutions so I have them.

25 MR. LAQUAGLIA: Okay. That's everybody though,

1 correct?

2 MS. WATERS: Yes.

3 MR. LAQUAGLIA: Okay. Approved.

4 MR. RUBIN: I will check to see the distribution
5 list and make sure you're on it when -- when I can.

6 MR. LAQUAGLIA: Thank you Mike. Uh, resolution in
7 the matter of the application of Daniel Figenshu and
8 Elizabeth Figenshu, owners of 107 Essex Avenue, block
9 693, lot 3, and Ryan Smircich and Pamela Smircich,
10 owners of 105 Essex Avenue, block 693, lot 4 for minor
11 subdivision approval to adjust an existing lot line
12 separating their two lots, which will result in an
13 increase in the size of lot 4 of 23.6 square feet, and
14 a corresponding reduction in the size of Lot 3. And
15 it's probably the same -- same crowd. Yeah, same --
16 same people. Can I have a motion to approve the
17 resolution?

18 MS. MUNDELL: Motion.

19 MR. LAQUAGLIA: Councilwoman Mundell. Second?

20 MR. ROCKWELL: Second.

21 MR. LAQUAGLIA: Councilman Rockwell. Amanda.

22 MS. WATERS: Okay. Um, Mr. Babula?

23 MR. BABULA: I don't have that one either. I'm
24 going to abstain.

25 MR. LAQUAGLIA: Okay.

1 MS. WATERS: Uh, Mr. Lasek?

2 MR. LASEK: Yes.

3 MS. WATERS: Councilwoman Mundell?

4 MS. MUNDELL: Yes.

5 MS. WATERS: Councilman Rockwell?

6 MR. ROCKWELL: Yes.

7 MS. WATERS: And Chairman LaQuaglia?

8 MR. LAQUAGLIA: Yes. Approved. Thank you very
9 much. Okay. Uh, resolutions are done. Uh, we have to
10 hire a planner. Mike Ruben, would you take care of
11 that for me please?

12 MR. RUBIN: Uh, yes. Some time ago, uh, we hired,
13 uh, Paul Phillips and Phillips Preiss Grygiel to do
14 the redevelopment study of, uh, certain identified
15 lots in block 241, which is the block surrounded by
16 Washington Street, Franklin Street, and Broad Street.

17 Um, uh, as Paul got into it, he realized he had a
18 conflict with one of the property owners, um, and
19 called me, I don't know, maybe about a month ago, and
20 explained the conflict to me, and I'm not really sure,
21 it had something to do with some easements. And, um, I
22 didn't know, didn't get all the details and as long as
23 he felt he had a conflict, we have to move on.

24 So, um, Paul Rickey is someone who has worked in
25 Bloomfield in the past. He was the planning consultant

1 for the zoning board of adjustment some years ago. Um,
2 he's someone I've known for quite a while, but have
3 very rarely worked with other than observing him, both
4 as an applicant's, um, expert and a -- a board's
5 expert.

6 And he's one of the few people in -- in New
7 Jersey that I -- I would have confidence in doing a
8 redevelopment study and that's why I recommend him.

9 MR. LAQUAGLIA: So, Mr. Rubin, if you're
10 comfortable with him, and, uh, Mr. Marucci, are you
11 familiar with this gentleman?

12 MR. MARUCCI: Same as Mr. Rubin based on, uh,
13 work that he is done in the past. I agree with Mr.
14 Rubin on it.

15 MR. LAQUAGLIA: Okay. Mr. Lasek, are you okay
16 with him?

17 MR. LASEK: I'm fine with him.

18 MR. LAQUAGLIA: Okay. Can I have a motion then
19 that we hire -- now what exactly are we hiring him
20 for? What's the, uh, exact project?

21 MR. RUBIN: To do, uh, the, um, redevelopment
22 investigation of block 241 lots 5, 6, 7, 21, 23, 32,
23 33, 35, 37, 39, 41, 42, 44, 45, 46. Now just to make
24 sure everyone understands, the resolution that we
25 hired Mr. Phillips for had, um, one lot that was

1 included in the list that should not have been and
2 omitted one lot that should have been included in the
3 list.

4 Uh, I got an email today from the town attorney
5 indicating that a new resolution will be introduced on
6 October 3rd and forwarded to us on October 11th. That
7 resolution will identify the lots that I just read to
8 you.

9 MR. LAQUAGLIA: All right, so --

10 MR. RUBIN: So -- so, basically that's what he's
11 to do, he's to pick up where Paul left off and try to
12 get this done as quickly as he can.

13 MR. LAQUAGLIA: All right. So, can I have a
14 motion then to hire Paul Rickey? He'll do the, uh,
15 planning, uh, redevelop -- the redevelopment of the
16 numbers. [Inaudible] into the record. Councilwoman.

17 MS. MUNDELL: Motion.

18 MR. LAQUAGLIA: Thank you, Councilwoman. Do I
19 have a second? Mr. Lasek. Amanda, I poll everyone,
20 please.

21 MS. WATERS: Mr. Lasek?

22 MR. LASEK: Yes.

23 MS. WATERS: Councilman Rockwell?

24 MR. ROCKWELL: Yes.

25 MS. WATERS: Councilwoman Mundell?

1 MS. MUNDELL: Yes.

2 RECORDING: Welcome to Zoom. Enter your meeting
3 ID followed by pound.

4 MR. RUBIN: Mr. Falkinstein, can you turn off
5 your microphone please? Mr. Falkinstein, could you
6 turn off your microphone please? Go ahead, Amanda.

7 MS. WATERS: Um --

8 RECORDING: Enter your participant ID followed by
9 pound. Otherwise, just press pound to continue.

10 MR. RUBIN: Thank you. Okay, go ahead.

11 MS. WATERS: Mr. Babula?

12 MR. BABULA: Yes.

13 MS. WATERS: Mr. Harvey?

14 MR. BABULA: Yes.

15 MS. WATERS: Mr. Farnsworth?

16 MR. FARNSWORTH: Yes.

17 MS. WATERS: Councilman LaQuaglia?

18 MR. LAQUAGLIA: Chairman LaQuaglia.

19 MS. WATERS: Chairman LaQuaglia?

20 MR. LAQUAGLIA: We're getting there, Amanda. Yes.
21 So, moved. Mike Rubin, you'll take care of that,
22 correct sir?

23 MR. RUBIN: Yeah, I have everything. You got it.

24 MR. LAQUAGLIA: All right. Thank you, Mike. All
25 right. So, now let's get down to the work. Next order

1 of business, application and owner of JMW Residential
2 Developers, LLC for bulk variance and any other such
3 relief as may be required from the zoning ordinance to
4 construct a new two-family dwelling with a new
5 detached two-car garage in a residential family zone,
6 block 432, lot 1, zone R-1A, commonly known as 113
7 Baldwin Place. And before we start --

8 MR. RUBIN: Just to make a correction, that's
9 supposed to be the R-2B zone.

10 MR. LAQUAGLIA: R-2, oh, okay.

11 MR. RUBIN: Correct, Mr. Marucci?

12 MR. LAQUAGLIA: Anthony, is that right?

13 MR. FARNSWORTH: He's muted.

14 MR. MARUCCI: Yes, it's an R-2B zone.

15 MR. LAQUAGLIA: Okay, so it's zoned for this
16 particular building then?

17 MR. MARUCCI: Yes, it is.

18 MR. RUBIN: Otherwise, it couldn't be before us.

19 MR. LAQUAGLIA: Okay.

20 MR. FARNSWORTH: Uh, Mr. Chairman, I agree
21 there's an error in the application. I formally, uh,
22 request to amend the application on the record here
23 tonight to correct that zone to the R-2B zone.

24 MR. LAQUAGLIA: We have no problem continuing, do
25 we Mike Rubin?

1 MR. RUBIN: No.

2 MR. LAQUAGLIA: Okay, then very quickly let me
3 read in Mr. Marucci's memo. Uh, chairman members of
4 the board regarding 113 Baldwin Place map 17, block
5 431, lot 1 JMW Residential Developers LLC owner,
6 applicant. Zone R-2B, two family residence district.
7 Chairman and members, subject property was part of a
8 minor subdivision application approved by the planning
9 board pursuant to a resolution adopted on August 8th,
10 2019.

11 This property lot, one, was enlarged so as to
12 permit the construction of a new two-family dwelling
13 that would conform with all bulk requirements of the
14 zone, including the front yard setback along both
15 street frontages since this is a corner lot. My office
16 has reviewed the following plans and documentation for
17 the preparation of this report.

18 Standard development application, engineering
19 site plans prepared by AWZ Engineering dated April
20 27th, 2022. Storm water management report prepared by
21 AWZ Engineering, Inc. dated June 15th, 2022.
22 Architectural plans prepared by Ali Qureshi, architect
23 dated November 28th, 2021. Color rendering prepared by
24 Diana Acosta, undated.

25 This application is appropriately before the

1 planning board for a deviation from the approved
2 resolution. The application requires class C both
3 variance relief as follows: Building coverage.
4 Maximum building coverage permitted is 25 percent. The
5 proposal is for a building coverage of 30.34 percent.
6 The proposed building coverage is a deviation from the
7 adopted resolution.

8 The adopted resolution also conditioned the
9 approval as follows: Demolition of the three-bay
10 garage on lot 1 and the existing slate patio on lot 26
11 that would otherwise encroach onto lot 1 after the
12 perfection of the subdivision. Prior to the issuance
13 of a certificate of occupancy for the new dwelling on
14 lot 1, notes are added to the engineering site plans
15 to satisfy this condition.

16 Removal of the existing fence along the
17 southernly side of the driveway on lot 26 and the
18 installation of a new fence along the new common lot
19 line share with lot 1 provided that the new fence
20 complies with the township's regulations.

21 The plot plant shows a proposed six-foot-high
22 wood fence along the common sideline. The ordinance
23 requires fences within the side yard to be a maximum
24 of four feet in height along the side of the proposed
25 dwelling. The fence height should be reduced to four

1 feet in height along the side of the proposed dwelling
2 or a variance sort.

3 Submission to the board's consulting engineer of
4 a grading and drainage plot prior to the development
5 of lot 1, a grading and drainage plan is submitted as
6 part of this application. Further comments regarding
7 grading and drainage are provided in this report.
8 Orienting the new dwelling on lot 1 so the main
9 entrance faces Baldwin Place, the elevations are
10 architecturally compatible with the neighborhood and
11 is not designed as a bay own box for the garage level
12 on the ground floor.

13 The color rendering, the dwelling entrance facing
14 wall in place and the garage is designed as detached,
15 the two bays and two parking spaces in front of said
16 garage. Comments and recommendations. If this
17 application requires variance relief for exceeding
18 building coverage, where 25 percent maximum is
19 permitted in the R-2B zone and 30.34 percent is
20 proposed, testimony shall be provided in support of
21 the required variance relief.

22 The proposed fence along the common property line
23 between lot 26 and lot 1 shall be either modified in
24 height or a variance sort. The proposed air
25 conditioner condensers are located within the Lincoln

1 Street front yard setback. Heating and cooling units
2 are not permitted within the front yard setbacks. Said
3 condensers will be relocated or variance relief sort.
4 Both the engineering plot plan and the color rendering
5 indicate a two-foot-high wall and four feet fence
6 onset wall, for an overall height of six feet within
7 the Lincoln Street front yard setback.

8 Fences are permitted within the front yard
9 setback at a maximum height of four feet with a
10 minimum of 60 percent openings. The wall and fence
11 combination creates a variant situation. Where respect
12 to grading and drainage, the proposed detached garage
13 does not have roof drains connected to the proposed
14 dry well. The engineering plan does reference a
15 current property survey and topographic survey, same
16 need to be submitted for review.

17 The plan shows an outside exposed entrance to the
18 basement. How will drainage be handled at the bottom
19 entrance to the basement? My office has no further
20 comments at this time. However, my office reserves the
21 opportunity for comments pending, testimony received
22 during the hearing process. Respectfully submitted,
23 Anthony Marucci, Planning Board Engineer. That said,
24 Mr. Piromalli, now it's up to you.

25 MR. PIROMALLI: Thank you, Mr. Chairman. Uh,

1 we'll address those comments, uh, within Mr. Marucci's
2 report, but just a brief name. Good evening, Mr.
3 Chairman, members of the board, my name is Michael
4 Piromalli with the law firm Gaccione & Pomaco 524
5 Union Avenue, Bellville, New Jersey, appearing on
6 behalf of the applicant and property owner JMW
7 Residential Developers, LLC.

8 Subject property is located at 113 Baldwin Place,
9 otherwise known as block 432, lot 1 on the tax maps of
10 the Township of Bloomfield and this lot was the
11 results were prior subdivision approval granted by
12 this board on July 9th, 2019. Prior subdivision
13 approval readjusted the lot line between the subject
14 property and the neighboring lots in the north on
15 Baldwin Place, uh, that lot to the north is known as
16 121 Baldwin Place.

17 Our lot, uh, is known as one 113 Baldwin Place,
18 which at the time was approved only with a detached
19 garage in poor condition. I've included with this
20 application a copy of the prior resolution of
21 approval, which for the record identifies the subject
22 property as 117 Baldwin Place. Um, I submitted and
23 currently before the board, the application as I
24 submitted it, rather identifies the property as 113
25 Baldwin Place.

1 I note this discrepancy for the record, and I
2 just wanted to make sure that the board knows we're
3 speaking of the same property when we're speaking of
4 both 117 and the 113 Baldwin Place property.

5 MR. LAQUAGLIA: Excuse me one second, Mr.
6 Piromalli. Ms. Richardson is now on. Do you have that,
7 Amanda?

8 MS. WATERS: Yes.

9 MR. LAQUAGLIA: Okay. Welcome to the meeting.

10 MS. RICHARDSON: Hi everyone. Good evening.

11 MR. LAQUAGLIA: Welcome to the meeting, Ms.
12 Richardson.

13 MS. RICHARDSON: Thank you.

14 MR. LAQUAGLIA: I'm sorry, Mr. Piromalli, please
15 continue.

16 MR. PIROMALLI: Not at all. Thank you, Mr.
17 Chairman. After the subdivision application was
18 approved by this board in July of 2019, the applicant
19 tonight purchased lot 1 from the prior applicant,
20 Michelle Bream, in November of 2020, and began the
21 process of retaining an architect and an engineer in
22 order to design the two-family dwelling to be
23 constructed in accordance with that resolution of
24 approval.

25 One of the conditions within the prior

1 subdivision approval was that a fully conforming two-
2 family dwelling would be constructed on lot 1. Having
3 designed the proposed two-family dwelling; however,
4 the applicant is now returning before this board to
5 request a single bulk variance for maximum permitted
6 building coverage in order to construct the two-family
7 dwelling proposed.

8 The property is owned by a business entity, JMW
9 Residential Developers, which is in turn owned solely
10 by Ivan Maldonado, who's with us here tonight. Mr.
11 Maldonado intends to reside in a two-family dwelling
12 along with his family, and he designed the two-family
13 dwelling to meet the needs of his family, mainly with
14 he and his wife living on the second floor, and his
15 mother and his sister living in the first-floor
16 apartment.

17 The floor plan of the first-floor apartment was
18 designed with his mother's comfort in mind, uh, but
19 has resulted in a minor variance being needed for
20 building coverage, specifically, a maximum 25 percent
21 building coverage is permitted and a building coverage
22 of 30.34 percent is proposed. In support of this
23 application tonight, I intend to call three witnesses.
24 First, I intend to call our engineer Adnan Khan to
25 testify regarding the design of the site and the

1 drainage improvements proposed.

2 Then I'd like to have our project architect Ali
3 Qureshi explain his design for the two-family
4 dwelling. And lastly, we have our project planner.
5 James Watson will testify regarding the zoning
6 considerations for the development of the site, as
7 well as the justification for the variance requested
8 connection with the application. In addition to those
9 three witnesses, I have the owner and applicant with
10 us, Ivan Maldonado, available tonight to answer any
11 questions the board may have of him.

12 I was hoping that I don't necessarily have to
13 call him as a witness, as his, uh, his Zoom ability is
14 limited, Mr. Chairman. So, I will -- I will just admit
15 that at this point in time, as we found out when we
16 had to name him iPhone.

17 MR. LAQUAGLIA: I'm not too good at this either,
18 Mr. Piromalli, so we all know that, so.

19 MR. PIROMALLI: Fair enough. If we need him, he's
20 here. But if we don't, we can keep things moving. Uh,
21 so with that Mr. Chairman, I would ask to call our
22 first witness our project engineer, Mr. Adnan Khan.

23 MR. LAQUAGLIA: Please do.

24 MR. PIROMALLI: Thank you. Ms. Waters, Adnan is
25 with us tonight. Um, uh, do you want to swear him or -

1 - or will you --

2 MR. LAQUAGLIA: You have to swear him in Ms.
3 Waters.

4 MS. WATERS: Yeah. I didn't -- I was looking for
5 you. I didn't see you. I'm sorry. Um, do you swear
6 that the testimony you are about to give is the truth,
7 the whole truth, and nothing but the truth?

8 MR. KHAN: I do.

9 MS. WATERS: Please state your first and last
10 name.

11 MR. KHAN: Adnan Khan, K-H-A-N.

12 MS. WATERS: Thank you.

13 MR. KHAN: I'm, uh, from AWZ Engineering and I'm
14 the project engineer for this project.

15 MR. PIROMALLI: Thank you. Mr. Khan, just what is
16 your business address for the record?

17 MR. KHAN: 150 River Road, Suite B3, Montville,
18 New Jersey 07045.

19 MR. PIROMALLI: Thank you. And a few brief
20 questions just to qualify you. How long have you been
21 practicing in the field of engineering?

22 MR. KHAN: Since, uh, 1990.

23 MR. PIROMALLI: And from what school did you
24 graduate and what degree did you obtain?

25 MR. KHAN: Uh, I have a bachelor's degree in

1 civil engineering, master's in construction management
2 from NGIT, licensed in four states. I have testified
3 over hundreds of boards, including this board,
4 testified in superior court and federal court as an
5 expert witness and certified municipal engineer. My
6 licenses are current.

7 MR. PIROMALLI: You're jumping ahead.

8 MR. LAQUAGLIA: We're -- we're good, Mr.
9 Piromalli. I think we accept him, yes.

10 MR. PIROMALLI: Thank -- thank you, Mr. Khan.

11 MR. LAQUAGLIA: I appreciate it.

12 MR. PIROMALLI: Mr. Kahn, did you prepare the
13 engineering plans for the proposed project?

14 MR. KHAN: Uh, yes, I did.

15 MR. PIROMALLI: And would you please generally
16 describe the existing conditions and use of the
17 property?

18 MR. KHAN: Sure. I'm going to, at this time share
19 the site plan that, uh, we, uh, we prepared. I believe
20 everybody can see the plans.

21 MR. PIROMALLI: Not yet.

22 MR. LAQUAGLIA: Not yet. Now we do.

23 MR. KHAN: Oh, okay.

24 MR. LAQUAGLIA: Please mark it as A1 --

25 MR. KHAN: Yeah, this is the exact same plan that

1 was submitted as part of, uh, the package. We can mark
2 it as A1.

3 MR. RUBIN: It's marked as -- for the record,
4 this is sheet CZ01 of your plans and what date is it?

5 MR. KHAN: Okay, it's dated, uh, let's see, I
6 have to move certain things here. It's dated June
7 22nd, 2022.

8 MR. RUBIN: And not since revised?

9 MR. KHAN: Not since, yeah. That's the last
10 revision that was submitted to the board.

11 MR. RUBIN: Thank you, Adnan.

12 MR. LAQUAGLIA: Please continue.

13 MR. RUBIN: Okay. As, uh, I believe, uh, we
14 talked about the zone, the property's located in our
15 2B zone, and, uh, we are confirming that all the bulk
16 requirements, except for, as Mr. Piromalli mentioned,
17 is the lot coverage. Uh, the lot coverage allowed in
18 the zone is 25 percent and we are seeking a 30.34
19 percent, uh, lot coverage, which is a variance and
20 that's why we are in front of the board today.

21 We have a planner who's going to testify and
22 justify the variances. So, I'm going to quickly go to
23 our site layout. Uh, as, uh, you guys, everybody heard
24 is like, there is an existing garage on the property,
25 which is located on the eastern side, which as part of

1 this project is going to be demolished and removed.
2 Uh, there are some minor encroachments from, uh, the
3 lots from the north. They are also proposed to be
4 removed.

5 And what the applicant is proposing is a two-
6 family, uh, dwelling, which meets all the setback
7 requirements. Uh, again, one thing I want to mention
8 is like this is a corner lot, so we have two front
9 yards, one on the Baldwin and one on Lincoln, so we
10 satisfy all the setback requirements as shown on the
11 plan.

12 Uh, we also have our access, or the driveway for
13 our detached garage that we are proposing is from
14 Lincoln Street. And, uh, it's a 22 feet wide driveway,
15 which is wide enough to facilitate, uh, two cars in
16 and out. Uh, so total we will be proposing four cars,
17 two in the garage and two in the driveway, which is a
18 20 feet long driveway.

19 So, uh, totally, we are total parking spaces that
20 we are proposing is four spaces. Uh, we do have an,
21 uh, basement entrance from, uh, Lincoln Street side
22 with the steps as you see, uh, as I'm circling around
23 that goes into the basement, a basement entrance. We
24 have, uh, AC compressor units, two compressor units
25 that are located, uh, just adjacent to the entrance to

1 the basement, and I think that's something that as Mr.
2 Marucci mentioned is creating, uh, a variance, and we
3 looked at that and we think that we have a room behind
4 the garage that we can relocate these AC units behind
5 the proposed garage to eliminate that variance.

6 And that's, uh, that's, uh, something that we
7 will achieve by -- by eliminating that. Um, let's go
8 to my next sheet, which is sheet C-02, which is
9 grading and utility plan.

10 MR. LAQUAGLIA: Uh, are we going to mark -- just
11 hang on one second Adnan. Are we going to mark each
12 sheet separately, Mike, or would you like to just mark
13 those set?

14 MR. PIROMALLI: We mark the whole set as A1.

15 MR. LAQUAGLIA: That's fine. Thank you. Please
16 continue Adnan.

17 MR. KHAN: So, this -- this is, uh, sheet C-02,
18 which is, uh, grading and utility plan. Uh, just to
19 describe the existing grading, the lot is, uh,
20 relatively flat and we are following the existing
21 contours, uh, to develop this site and of course,
22 there will be some changes in the contours, but in
23 essence, we are trying to capture the same essence,
24 the drainage pattern that currently exists.

25 In addition, since we'll be increasing the

1 impervious coverage, we are designing a dry well
2 system, uh, that is located, uh, to the northeast
3 corner. Uh, and the idea there is we are going to tie
4 the existing roof runoff from the, uh, sorry, proposed
5 roof runoff from the proposed house wire header system
6 and collecting all this runoff into these dry wells.
7 So, uh, and the grade and the way the grades are to
8 the rear of the garage, the dry well is great size
9 that we have an inlet on top of the dry well, it will
10 capture any runoff from the rear of the garage.

11 So, in essence, we are trying to capture as much,
12 uh, runoff from the site under the proposed condition.
13 Then, uh, there is any under existing condition,
14 again, there is no existing drainage system on the
15 site currently present, so this is something that will
16 enhance the area and reduce the street runoff or the
17 runoff to the adjacent properties. Uh, there is a
18 comment again in Mr. Marucci's, uh, uh, report about
19 the fence.

20 The fence that we are proposing is a six-foot
21 fence running along the northern property line, and it
22 ends by the front of the house. It's a six-foot fence,
23 but again, based on the variance condition that is
24 creating, the applicant, uh, is okay to reduce the
25 height of the fence, uh, in front of the house and

1 just leave the six-foot fence to the rear and then
2 change it to the four feet that is allowed along the,
3 uh, from the house, uh, from the rear of the house
4 towards the front on Baldwin.

5 So, that's variance condition that the applicant
6 is okay to eliminate as well. The other wave, uh, the
7 other waiver that was highlighted is, uh, there is a
8 wall with a fence that the applicant is proposing
9 along the frontage of Lincoln Street and wraps around
10 to the house. It's mostly like a decorative wall, uh,
11 two feet, approximately two feet high decorative wall
12 with a fence, uh, uh, aluminum or some kind of a metal
13 decorative fence on top of it.

14 So, the height as, uh, reported in Mr. Marucci's
15 report is uh, six feet. But again, we discussed that
16 with the applicant and the applicant is going to
17 reduce the height to comply with the township
18 requirement for four feet. So, we will -- we will
19 eliminate or we will not request that variance as
20 well, so we will eliminate that variance. Uh, what
21 else? Again, the house, uh, we are planning to --
22 actually, we are proposing all new utilities, uh, that
23 will be required for this two-family dwelling and, uh,
24 all the utilities as shown on the plans will be new.

25 MR. PIROMALLI: Adnan, I thank you very much and

1 I appreciate that. I just quickly want to go through a
2 few corrections if you can leave your plan up. Thank
3 you. I appreciate it.

4 MR. KHAN: Sure.

5 MR. PIROMALLI: So, with regard to the September
6 6th, 2022, uh, review letter of Anthony Marucci,
7 specifically with regard to the -- the air
8 conditioning condenser units, this is the second page,
9 second paragraph from the bottom. The condenser units
10 are located within the Lincoln Street front yard
11 setback, heating and cooling units are not permitted
12 within the front yard setbacks.

13 I understand we can, uh, relocate them to the
14 rear of the proposed garage. But, uh, for the record,
15 I -- I did notice for the variance for them located in
16 Lincoln Street front yard setback and it's the
17 applicant's desire to potentially leave them in that
18 Lincoln Street front yard setback, if possible.

19 If the board would agree to leave them there, uh,
20 we would ask for that variance, and I've noticed for
21 that variance, uh, is that your testimony, Mr. Khan?

22 MR. KHAN: Uh, yeah, I'll -- I'm -- I understand
23 corrected. Yes. Uh, I wasn't aware, but yeah, like,
24 uh, we can leave it as long as the board is, uh, is
25 okay with the location. Uh, I don't have any issue

1 with that, and that's what we are showing on the
2 plans.

3 MR. PIROMALLI: So, we'd like to leave it where
4 it is. We'd like to request that additional variance.
5 Uh, we did notice for that additional variance, and if
6 necessary, we will move it next to the -- the garbage
7 and recycling behind the proposed two car garage, but
8 where it is, we think it can be adequately streamed
9 and it won't bother anybody despite the variance
10 requests. Is that your testimony, Mr. Khan?

11 MR. KHAN: Uh, yes. And one thing I want to add
12 is like, again, we are showing, uh, screening through
13 landscaping, uh, to shield, uh, the condensing units,
14 as well as we have a small wall to the front, uh,
15 facing Lincoln Avenue, which is going to obscure the,
16 uh, look or obscure the units from being seen from
17 Lincoln Street. So, we have already built in our, uh,
18 screening for these condensing units the way it's
19 shown.

20 MR. PIROMALLI: And just one last comment. Again,
21 at the bottom of page 2 of Mr. Marucci's report, uh,
22 both the engineering plot, planning code rendering
23 iterates two feet high wall and four-foot-high fence,
24 uh, with an overall height of six feet.

25 Now, this is a problem with the fence and wall

1 height combination exceeding the six feet, so we're
2 going to be able to comply with that, but we're going
3 to do that at a later date when we submit our grading
4 and drainage plan.

5 We are going to ask for that variance request,
6 but we aren't changing the plans at this point in
7 time. We're going to do that at the time of building
8 permits. Is that correct?

9 MR. KHAN: That is correct. That's my
10 understanding. And again, it's a -- it's a easy fix
11 and, uh, we can avoid that variance, yes.

12 MR. PIROMALLI: Thank you. Thank you, Mr. Khan.

13 MR. RUBIN: Excuse me, Mr. -- Mr. Piromalli, one
14 -- one second.

15 MR. PIROMALLI: Of course.

16 MR. RICHARDSON: We need to know how you're going
17 to change that. Is it going to be four feet wall? Is
18 it going to be no wall and four-foot fence? Is it
19 going to be two and two? We need to know that. I need
20 to put that in the -- in the resolution. I can't just
21 leave that hanging.

22 MR. PIROMALLI: Mr. Rubin, we would like to say
23 that it will comply. It will -- it will be under six
24 feet, no matter whether it's the wall and fence, but
25 we won't require a variance for it.

1 MR. RUBIN: Well, the problem is, is that you
2 can't have a solid fence in the front yard. So --

3 MR. KHAN: So, it's not going to be a solid wall
4 because again, there is a requirement that it has to
5 meet the 60 percent, uh, the openings that are
6 required. So it will be, uh, open wall that should --
7 that has to meet that 60 percent requirement for the
8 openings.

9 MR. MCROE: Can I get in here?

10 MR. LAQUAGLIA: Oh, who's that, Paul?

11 MR. MCROE: My name's Anthony Mcroe. I live on 10
12 Lincoln Street.

13 MR. LAQUAGLIA: No, sir, you can't, not now.

14 MR. MCROE: Why not?

15 MR. LAQUAGLIA: Well, basically because I said
16 so, but you'll have your time to ask a question later,
17 not right now. Uh, Mr. --

18 MR. MCROE: Because you said so, huh? I don't
19 want this building going up there. That's what I want.

20 MR. LAQUAGLIA: Are you done? Because you are
21 done.

22 MR. MCROE: No, I'm not.

23 MR. LAQUAGLIA: Amanda -- Amanda, take him off
24 the air.

25 MR. MCROE: Oh really?

1 MR. LAQUAGLIA: Yes. Amanda, take him off.

2 MR. MCROE: Why, why? I can't voice my opinion.

3 MR. LAQUAGLIA: No, not now. You do not speak
4 now.

5 MR. RUBIN: Hold on. Hold on. Sir, did you, did
6 you remove him already? Is he still there?

7 MR. PIROMALLI: Let's mute him.

8 MR. LAQUAGLIA: Mute him for now or something?
9 Yeah.

10 MR. RUBIN: Just, he needs to understand the
11 process. He doesn't understand the process. So, let me
12 explain the process. The way the process works is the
13 applicant gets to come in and present his witness --
14 each witness. The board and the board's professionals
15 then get to ask that witness questions. After that,
16 the public gets to ask that question, witness -- ask
17 that witness questions.

18 Then the applicant gets to, uh, produce a second
19 witness if it so chooses, and the same process is
20 filed -- is followed. At the end of all the
21 applicant's witnesses, the public then is sworn in and
22 has a right to give testimony or commentary about the
23 application. But right now, it's solely limited to
24 questions of the applicant in the order that I
25 described. So, you will have time to ask the -- the

1 applicant's engineers questions once the board and its
2 professionals have finished.

3 And if you have no questions but only want to
4 make a statement, you'll be allowed to do that at the
5 end of the applicant's case. So, just be patient. You
6 will have a chance to say whatever you want to say.
7 Okay?

8 MR. LAQUAGLIA: Continue Mr. Piromalli.

9 MR. PIROMALLI: Yeah. Mr. Rubin, just to your
10 point, it, frankly, it's -- it's -- it's neither here
11 nor there how we're going to comply. We're happy to
12 comply with that condition. We don't intend to create
13 a variance. So, whatever you think is best or whatever
14 the board thinks is best, the applicant is willing to
15 agree with.

16 MR. RUBIN: No, I just, I'm going to defer to Mr.
17 Marucci on that. Uh, you know, I -- I don't know what
18 the site distance problems may be with the wall. I
19 don't know anything about all that stuff. I just want
20 to be able to put in a resolution what's going to go
21 there.

22 MR. PIROMALLI: Of course, and the applicant just
23 is -- was willing to comply, however we have to
24 accomplish that. But Mr. Chairman, I have no further
25 questions of this witness. If -- if you'd like, we can

1 certainly get Mr. Marucci sworn and get his opinion on
2 this.

3 MR. LAQUAGLIA: Yeah -- yeah, well actually, you
4 know what, uh, Anthony, uh -- Amanda, please swear in
5 Anthony Marucci at this time.

6 MS. WATERS: Okay. I'm sorry. Hold on a second
7 Rhianna. Do you swear that the testimony you're about
8 to give is the truth, the whole truth, and nothing but
9 the truth?

10 MR. MARUCCI: I do.

11 MS. WATERS: Okay. Please state your first and
12 last name.

13 MR. MARUCCI: Anthony Marucci.

14 MS. WATERS: Thank you.

15 MR. MARUCCI: With -- with respect to fences and
16 walls within the front yard setback in the R-2B zone,
17 they have to have a 60 percent opening. So, if it's a
18 wall, a wall is solid. If -- if you're going to
19 maintain the four feet, the most I can see being
20 designed here is maybe a one-foot-high wall, which
21 would act like a foundation and then a three-foot-high
22 fence, an open fence like the one that was shown in
23 the, uh, in the rendering. Um, that's my opinion.

24 MR. PIROMALLI: Uh, Mr. Marucci, the applicant is
25 happy to comply. The maximum height of the wall will

1 be one foot. Uh, the rest will be fence and it'll be a
2 four-foot height maximum, uh, and 60 percent opening.

3 MR. MARUCCI: If I may ask a question to the, uh,
4 applicant's engineer at this time, Mr. Chairman.

5 MR. LAQUAGLIA: Yes, of course.

6 MR. MARUCCI: There is one item in my report that
7 wasn't addressed. You have an open staircase to the
8 basement at the bottom at the well of the staircase,
9 you're about 8 to 9 feet below grade. How is drainage
10 going to be handled there?

11 MR. KHAN: Okay. What we are planning is we are
12 going to tie that, uh, drainage either to the
13 foundation drain, uh, from at the bottom of the well,
14 or if we can make it through gravity to the dry well
15 `system, we will tie a floor drain into the dry well
16 system. So, we have to look into that scenario.

17 MR. MARUCCI: You -- you're already eight to nine
18 feet below grade. I -- I don't know how you're going
19 to tie that into the foundation drains or -- or, uh,
20 I'll leave it at that for now.

21 MR. LAQUAGLIA: Yeah. You'll agree then to work
22 that out with Mr. Marucci and Mr. Lasek then, upon
23 their approval?

24 MR. MARUCCI: What I'm concerned with -- what I'm
25 concerned with, and let me be perfectly clear, is that

1 at some point the applicant may come back after this
2 house is built and they want enclose it to prevent
3 water from going into that well, and then it becomes a
4 setback issue again.

5 That's why I brought this up now. He -- he can
6 put a -- a -- a, uh, bilco door there to solve the
7 problem, but again, my concern is what's going to
8 happen with drainage there -- there's no way it's
9 going to tie into the dry well, it's nine feet below
10 grade as it is.

11 MR. LAQUAGLIA: Would that need a separate dry
12 well, Mr. Marucci, on its own?

13 MR. MARUCCI: I -- I -- I don't know if they can.
14 Again, you're talking about at the bottom of the
15 basement, you're already eight to nine feet below
16 grade. Uh, I've seen situations like this in the --
17 over the years where they've become a problem, then
18 they want to enclose it, and that's what my concern
19 is. But again, I'll leave it at that right now.

20 MR. KHAN: Yeah, actually I'm -- I'm looking at
21 the grid right now if I may.

22 MR. LAQUAGLIA: Yes.

23 MR. KHAN: The basement floor is at uh, 117, and
24 the top of the grade in the back is 121. So, it's
25 about 4, 4, 5 feet difference from the basement floor

1 to the top of the grade. And our dry well is about
2 five feet to the bottom of the dry well.

3 So, I think we might be able to connect the floor
4 drain from the outside into the dry well, because it's
5 about four or five feet difference from uh, uh,
6 actually, let me go back. Oh, it's right here. Sorry.

7 So, if I look at it, our dry well is about four
8 feet from the top. So, we can sink the dry well a
9 little bit lower to make, uh, maybe instead of 6
10 inches or 10 inches from the surface, we can probably
11 put it 18 to 20 inches down and we can through
12 gravity, we can tie it into the dry well.

13 MR. MARUCCI: I -- I don't want to take up any
14 more time on it, it's something that you and I can
15 discuss as a condition of approval. Because, uh, it is
16 low. Once that dry well gets filled up, it's not going
17 to work. But I'll -- I'll leave it at that.

18 MR. KHAN: And we will work with your office to
19 kind of find a solution.

20 MR. LAQUAGLIA: That good enough, Mr. Marucci?

21 MR. MARUCCI: Yes, it is.

22 MR. LAQUAGLIA: Thank you, sir. Mr. Piromalli.

23 MR. PIROMALLI: Mr. Chairman, for the record, we
24 would, uh, certainly agree to a condition that we
25 would submit a grading and drainage plan, which would

1 be, uh, subject to review and approval of, uh, Mr.
2 Marucci, the Bloomfield engineer. Uh, and frankly,
3 that was a condition of the prior approval that this
4 board approved as well, so we'd be happy to accept
5 that condition.

6 MR. LAQUAGLIA: Okay. Thank you, Mr. Piromalli.
7 Um, is Mr. Khan's testimony, are you done?

8 MR. KHAN: Yes, I'm done.

9 MR. LAQUAGLIA: Okay. Are there any questions
10 from the board for Mr. Khan? Okay, I -- can we take
11 the screen down and I can see, I don't see hands or
12 anything here, so. Okay. Are there any questions for
13 Mr. Khan? Amanda, do you see anybody waving their
14 hands?

15 MS. WATERS: No.

16 MR. LAQUAGLIA: Okay. Are there any questions
17 from the public? Now, the guy that was on before, he
18 can ask Mr. Khan a question at this time, but it only
19 has to pertain to his testimony. Are there any
20 questions from the public? Amanda, you're going to
21 have to help me with this though, because I --

22 MS. WATERS: Yeah. No, I -- I don't see anyone
23 with any of their hands raised and I think that
24 gentleman, um, is gone because I -- I removed him just
25 as Michael asked me to.

1 MR. LAQUAGLIA: Mr. Falkinstein. Okay. You're --
2 you're on Mr. Falkinstein. Identify yourself, sir.
3 You're muted.

4 MR. FALKINSTEIN: I -- I'm muted now.

5 MR. LAQUAGLIA: Oh, now you're okay.

6 MR. FALKINSTEIN: Okay. Um, I -- I had to for
7 some reason use my phone as well as the, uh, zoom
8 call.

9 MR. LAQUAGLIA: Are you 322, whatever it is on
10 the side there?

11 MR. FALKINSTEIN: I'm, uh, uh, 973-227 --

12 MR. LAQUAGLIA: Okay. I see who you are there.
13 Okay.

14 MR. FALKINSTEIN: I -- I do have a question, um,
15 regarding, uh, the teardown of the existing garage.

16 MR. LAQUAGLIA: What is your address, Mr.
17 Falkinstein?

18 MR. FALKINSTEIN: I'm at 129 Baldwin Place. I'm
19 the owner of 129 Baldwin Place.

20 MR. LAQUAGLIA: Okay, good.

21 MR. FALKINSTEIN: First, over from, uh, the now
22 existing empty lot.

23 MR. LAQUAGLIA: Okay.

24 MR. FALKINSTEIN: Um, looking at the plans, I
25 think it looks like a really beautiful home, let me

1 just say that. But, um, I am concerned because I am in
2 the neighborhood and I know that, that garage, that
3 three car garage was built before I was born.

4 Um, I was born at 129 Baldwin Place, so I lived
5 there all my life, since 1955. Um, that garage was
6 built unpermitted, and it does have, I believe,
7 asbestos and lead paint in it. Is a hazmat team going
8 to be involved in the demolition of that?

9 MR. LAQUAGLIA: Mr. Piromalli or Mr. Khan?

10 MR. PIROMALLI: Uh, I -- I'm happy to answer
11 whatever applicable building code regulations are
12 required, the applicant will certainly comply with
13 them. We certainly accept that as a condition of
14 approval.

15 I have no knowledge personally of that, uh, and
16 to -- to the best of my knowledge, the conversations
17 I've had with the applicant, the applicant has no
18 knowledge of that. With that being said, whatever is
19 required, we're happy to comply.

20 MR. FALKINSTEIN: The other question I have is my
21 grandparents built the house at 129 Baldwin Place, and
22 it's a twin to the house right next door, uh, at 125
23 Baldwin Place to this empty lot.

24 When it was built, the, um, in, 1923 construction
25 started, they used the fill from the basement to fill

1 up that empty lot, which is now, uh, 113 Baldwin
2 place. That was an open sewer as part of Baldwin
3 Farms.

4 And I believe, um, Mr. Tessa, the owner of that
5 original property that your client now owns, had, um,
6 leveled it all off, but underneath is waste material,
7 including asbestos and lead.

8 Again, I have a concern when digging a basement
9 that, that is going to add pollutants into the air and
10 the soil around the property. So, I just wanted to
11 make that point known, uh, because it was always my,
12 uh, thought, um, from my grandparents --

13 MR. LAQUAGLIA: Mr. Falkinstein, do you -- sir,
14 do you have a question though for Mr. Piromalli?

15 MR. FALKINSTEIN: Yes, I have a question.

16 MR. LAQUAGLIA: Please put --

17 MR. FALKINSTEIN: Again, is a hazmat team being
18 brought in to alleviate any type of poisons that will
19 be dispersed through the digging up of that soil?

20 MR. PIROMALLI: Uh, uh, again, Mr. Falkinstein,
21 the -- the applicant is happy to comply with whatever
22 regulations are required by the Township Bloomfield,
23 by the State of New Jersey, the Department of
24 Environmental Protection. Uh, we're required to do
25 that. We're required to do that anyway, that's a

1 little bit beyond this board's purview, but we're
2 certainly required to do that, and we would agree to
3 do that, and we're happy to agree to any condition of
4 this board's approval that would require.

5 MR. FALKINSTEIN: Okay. Well -- well -- well
6 those were my concerns because, um, I -- I don't want
7 it affecting my property value.

8 MR. LAQUAGLIA: That's understandable, sir. Any
9 other questions, Mr. Falkinstein?

10 MR. FALKINSTEIN: That's it.

11 MR. LAQUAGLIA: Thank you, sir. Are there any
12 other questions from the public? Uh, you're going to
13 have to help me, Amanda, because I don't know if
14 they're --

15 MS. WATERS: Yeah, I don't -- I don't see any
16 hands raised.

17 MR. LAQUAGLIA: One, two, three. Well, that
18 portion is closed. Thank you, Mr. Khan.

19 MR. KHAN: Thank you very much.

20 MR. LAQUAGLIA: Mr. Piromalli, please continue.

21 MR. PIROMALLI: Mr. Chairman, I'd like to call
22 our next witness, our project architect Ali Qureshi.

23 MR. LAQUAGLIA: Yes, please.

24 MR. PIROMALLI: Mr. Qureshi, if you could raise
25 your hand, uh, so that we can bring you into the

1 meeting.

2 MS. WATERS: Uh, do you swear that the testimony
3 you are about to give is the truth, the whole truth,
4 and nothing but the truth?

5 MR. QURESHI: Yes, I do.

6 MS. WATERS: Please state your first and last
7 name.

8 MR. QURESHI: Ali Qureshi. Ali is A-L-I. Last
9 name, Q-U-R-E-S-H-I.

10 MS. WATERS: Thank you.

11 MR. PIROMALLI: Mr. Qureshi, what's your business
12 address for the record?

13 MR. QURESHI: 236 Grandview Avenue, North
14 Corwell, New Jersey 07006.

15 MR. PIROMALLI: Thank you. And just a few brief
16 questions to qualify you in the field of architecture.
17 How long have you been practicing in the field of
18 architecture? From what school did you graduate and
19 what degree did you obtain?

20 MR. QURESHI: Well, uh, I have a bachelor's of
21 architecture from Pakistan in 1983, and then I have a
22 bachelor's, uh, master's of architecture in 1987 from
23 University of Idaho.

24 MR. PIROMALLI: Great. And you're a licensed
25 architect currently in the state of New Jersey?

1 MR. QURESHI: Yes. I've been licensed in New
2 Jersey since 1996, and my license is in good standing.

3 MR. PIROMALLI: Testified previously before
4 zoning boards and planning boards?

5 MR. QURESHI: Uh, yes, I did, uh, in front of
6 several boards, including this board.

7 MR. PIROMALLI: And accepted as an expert on each
8 and every occasion?

9 MR. QURESHI: Yes, I did.

10 MR. PIROMALLI: Thank you.

11 MR. LAQUAGLIA: We're fine Mr. Piromalli. We
12 accept him.

13 MR. PIROMALLI: Thank you, Mr. Chairman. Mr.
14 Qureshi, did you prepare the architectural plans for
15 the proposed project?

16 MR. QURESHI: Yes, I did.

17 MR. PIROMALLI: Would you describe the proposed
18 building?

19 MR. QURESHI: Uh, yes, if, uh, I'm allowed to
20 share the screen, should be happy to put it on. Can
21 you guys see the screen?

22 MR. LAQUAGLIA: Yes.

23 MR. PIROMALLI: Yes, we can. We see the
24 rendering, Ali, not the floor plan, but the rendering.

25 MR. QURESHI: Okay. Uh, I can get back to the

1 rendering later on, but uh, I can pull these floor
2 plans. Let me just go over the numbers with you. Um,
3 the areas, uh, the basement is 1,604 square foot and
4 only 134 foot is finished. Um, then the ground floor
5 is 1,751 square feet. It has four bedrooms and two
6 bathrooms, and second floor is 1,757 square feet and
7 it has four bedrooms and two bathrooms too.

8 Uh, the total footprint of the building is 1,820
9 square feet. The garage is 445 square feet. Um, like,
10 uh, Mr. Khan said, we comply with all the zoning
11 requirements except for the building coverage.

12 We are approximately 5.34. percent over which
13 really -- which equates to 400 square feet. Um, on the
14 screen, if you look at the left-hand side, this is the
15 basement floor. Uh, most of the basement is
16 unfinished.

17 Only a part is a laundry room, which will be the
18 finished, uh, space. On the right-hand side, this is
19 the ground floor plan, and it shows four bedrooms and
20 two full bathrooms, uh, kitchen, living room, and a
21 dining area.

22 Uh, second floor is pretty much identical. Four
23 bedrooms, two full bathrooms, kitchen, dining area and
24 the living room. On the right-hand side is the -- the
25 roof plan, and let me just show you the elevations.

1 These are elevations, but they are two
2 dimensional, so it's better if you look at the
3 rendering. Uh, so it's going to look like this except
4 for the fence part, which has to be modified to comply
5 with the zoning ordinance.

6 MR. RUBIN: Um, can I just interrupt for a
7 second? The architectural plans are A2, the rendering
8 is A3.

9 MR. PIROMALLI: Thank you Mr. Rubin.

10 MR. QURESHI: Yeah. The design of the garage is
11 not shown, but it'll be similar or actually the same
12 materials as the main house, and we will comply with
13 the height requirement for the garage as well.

14 MR. PIROMALLI: And Ali, just briefly with
15 regards to the location of the garage, uh, do we see
16 it on the rendering or we -- we can't really see it
17 from the rendering?

18 MR. QURESHI: Uh, no. Unfortunately, our render,
19 uh, was busy, so he could not show the -- show the
20 garage part.

21 MR. PIROMALLI: But it will match?

22 MR. QURESHI: It will match the -- the proposed
23 house.

24 MR. PIROMALLI: Thank you, Mr. Chairman, I have
25 no further questions of this witness.

1 MR. LAQUAGLIA: Thank you Mr. Piromalli. Board
2 members, are there any questions for this witness? I,
3 uh -- we got to take this down for a minute. I can't
4 see who's, if anybody's waving their hand.

5 MR. PIROMALLI: Ali, if you could just give up
6 the screen share. Thank you.

7 MR. LAQUAGLIA: Are -- are there any questions
8 for Mr. Qureshi? I don't see anybody waving their
9 hand. Amanda, do you see anybody?

10 MS. WATERS: No, I don't.

11 MR. LAQUAGLIA: Okay. Are there any questions
12 from the public regarding this gentleman's testimony?
13 Do you see anybody, Amanda?

14 MS. WATERS: No, I don't.

15 MR. LAQUAGLIA: I'll give a couple seconds.
16 Nobody?

17 MS. WATERS: Nope.

18 MR. LAQUAGLIA: Okay. That portion's closed.
19 Thank you, sir.

20 MR. QURESHI: Thank you.

21 MR. PIROMALLI: Mr. Chairman. I have one last
22 witness, our planner, James Watson.

23 MR. LAQUAGLIA: Fine. Thank you.

24 MS. WATERS: Mr. Watson.

25 MR. WATSON: Yes.

1 MS. WATERS: Do you swear --

2 MR. LAQUAGLIA: Can you hear me?

3 MR. WATSON: We can.

4 MS. WATERS: Sorry. Do you swear, um, that the
5 testimony you are about to give is the truth, the
6 whole truth, and nothing but the truth?

7 MR. WATSON: Yes, I do.

8 MS. WATERS: Uh, please state your first and last
9 name for the record.

10 MR. WATSON: Sure. James Watson, W-A-T-S-O-N, uh,
11 EKA Associates, 328 Park Avenue, Scotch Plains, New
12 Jersey.

13 MS. WATERS: Thank you.

14 MR. WATSON: You're welcome.

15 MR. LAQUAGLIA: Thank you.

16 MR. PIROMALLI: Mr. Watson, just a few brief
17 questions to qualify you as an, uh, planner. Will you
18 briefly give the board the benefit of your experience
19 in the field of planning?

20 MR. WATSON: Sure. Uh, the whole thing. Uh, I'm a
21 licensed land surveyor in the State of New Jersey, as
22 well as the State of New York. In addition to that,
23 I'm a licensed professional planner, uh, appointed
24 positions for planning. Over the years, I have been
25 the planner for the Township of Union, the Borough of

1 Carteret, the public advocate in the Township of
2 Warren. On a monthly basis. I am -- I -- I appear two,
3 three times a week.

4 I think the last time I was before this board was
5 for a minor subdivision back in 2018. Um, I -- I could
6 list, on a regular basis I'm in Westfield, Scotch
7 Plain, Summit, Fanwood, Edison. Uh, you want me to
8 keep going? I can go for more.

9 MR. PIROMALLI: Yeah. And your license is
10 current?

11 MR. WATSON: Yes. Everything's current.

12 MR. LAQUAGLIA: We're good, Piromalli. We accept
13 him.

14 MR. PIROMALLI: Thank you, Mr. Chairman. Mr.
15 Watson, would you go over the zoning considerations
16 and the variance required in connection with this
17 application?

18 MR. WATSON: Sure, not a problem. Uh, tonight
19 we're going to proceed under C2. We have two variances
20 that we are requesting. The first one is for building
21 coverage. Uh, the limit is 25 percent. We're proposing
22 30.34.

23 And the second variance we're asking for tonight
24 is the location of the air conditioning condensers.
25 They are in the front yard of Lincoln. So, we're going

1 to ask for relief on those two things. Uh, when you
2 talk about a C2 variance, you have to discuss five
3 things. The first thing is you have to make sure that
4 this is about a specific parcel.

5 Uh, the next thing you have to do is talk about
6 the positive criteria. Thirdly, you have to speak and
7 address any negative criteria. The fourth thing you
8 have to do when a C2 comes before you is analyze and
9 weigh the benefits of the positives versus the
10 negatives. And lastly, you have to come to the
11 conclusion there's no substantial detriment to your
12 master plan or your zoning ordinance.

13 Uh, to address the first point, specific parcel,
14 this lot was created by subdivision in July of 2019.
15 It is a corner lot. Uh, it is the last vacant lot in
16 the area and it is in a two-family zone, which we
17 comply with.

18 Uh, with that said, I'd say this lot is rather
19 unique compared to all the other lots. Second, uh,
20 thing we have to talk about are the positive criteria
21 and they come from the purposes of zoning.

22 I believe that we comply, uh, and there's 17 of
23 them. I believe we comply with A, C, E, I and M. A,
24 without reading the whole thing, I believe we comply
25 with the general welfare. Investment in a -- in a town

1 like Bloomfield is encouraged.

2 You want new housing stock to continually come
3 into the area. It raises property values all around
4 you whenever you build anything new. And also, keep in
5 mind, you are eliminating a non-conforming use with a
6 free-standing garage only on the lot.

7 So, demolishing that which is in a -- a location
8 that's not permitted and in the zone, you're not
9 allowed to have just a garage on the lot. Um, as -- as
10 we address C, which is basically air, light and open
11 space, uh, we only need the building coverage variance
12 for the garage.

13 If you look at your zoning ordinance, if the
14 garage was attached to the house, we wouldn't need
15 this variance because it's not counted as building
16 coverage. It's a quirk in your ordinance.

17 But, uh, if it was attached to the garage
18 somehow, and I know you want to avoid that with that
19 Bayonne box look, so separating the garage, moving it
20 off to the side puts us in a variance situation.

21 Um, it's a similar setup to a lot of other lots
22 in the area. The older areas, a lot of times had
23 detached garages, which is what we're proposing.

24 And also keep in mind with the coverage that
25 we're meeting, your total coverage, your limit for

1 your total coverage is 60 percent, and we're at 50.48,
2 which is, you know, 20 percent below what we're
3 allowed to have. So, the big picture to look at is the
4 total coverage and we comply with that, with lots of
5 room to spare.

6 Um, next, I believe we comply with street scape,
7 which is E, um, well, like I said, the detached garage
8 is triggering a variance, it allows for a more
9 traditional backyard setup and avoids the Bayonne box
10 look that was alluded to in the prior resolution, as
11 well as comments in Mr. Marucci's letter.

12 Uh, finally, I -- or not finally, but I believe
13 we also comply with I, which is, is basically creative
14 design. And like I said, setting this up with a
15 detached garage gives you a more usable rear yard and
16 makes it more like everything else in that
17 neighborhood.

18 And finally, uh, I believe we comply with M in
19 the definitions of -- in the purposes of zoning, which
20 is lessening the cost of development and the more
21 efficient use of land. Uh, basically there's no new
22 infrastructure needed, all we're doing is connecting
23 laterals to the mains that are already in the street.

24 You don't need new curb, new sidewalk. We will
25 replace and -- and, uh, you know, repair anything

1 that's damaged during construction, but everything is
2 in place here. It's nothing new going in here that has
3 to be taken care of by the township itself.

4 Uh, thirdly, we have to talk about the negative
5 criteria. Noise, traffic and light is already
6 anticipated in the zone with the residential use
7 because it is a permitted use. Uh, excessive runoff
8 from the building coverage while still under your
9 maximum coverage is handled by the stormwater
10 management system. So, any negative that would come
11 from this project is handled creatively with the storm
12 water management design and the setup with the garage
13 and the house.

14 Um, fourth, again, you have to weigh these and
15 just a quick recap, the applicant is investing in a
16 Bloomfield vacant lot. New construction, always raises
17 property values.

18 All setbacks are met and total coverage is met.
19 If the garage is attached to the principal structure,
20 no variance would be needed. Um, uh, again, your 2014
21 master plan reexamination noted that, that you should
22 actually change that so that the garages aren't
23 included in your building coverage.

24 Um, the only, uh, we're only over -- over the
25 building coverage by 5 percent, which equates to 400

1 square feet. Uh, we're compatible with the surrounding
2 lots.

3 And keep in mind that the board granted the same
4 variance for the adjoining lot when it approved it in
5 2019 and they also let them go up to 34.7 percent for
6 the building and 70 percent for total lot coverage, so
7 we are much less intense than what is left on the
8 adjoining lot to our north.

9 Um, while the infrastructure's in place, like I
10 said, the AC condensers are in the best location. Uh,
11 the main reason for not putting them in the front yard
12 is looks, but if you put this on the other side, I
13 don't think you'd have the setback room, plus it would
14 be close to the house.

15 Where we're proposing the condensers, the nearest
16 house is about 90 feet away, so I think it's in a good
17 location. You don't have to push it back behind the
18 garage because that'll extend utility lines underneath
19 the deck and make maintenance and repairs more
20 difficult.

21 And finally, I don't know if it was looked at,
22 but we do have ample parking as Mr. Khan testified to.
23 We have four spaces on site, and RSIS allows you to
24 take credit for street frontage. So, using that
25 criteria, we have five spaces in the street, three on

1 Lincoln, two on Baldwin that we can also add to the
2 parking calculation.

3 Uh, finally, uh, it's my opinion and I hope you
4 agree with me, that the two variances that we're
5 asking for can be granted without any substantial
6 detriment to your zoning ordinance or the master plan
7 of the Township of Bloomfield. That's it. Thank you.

8 MR. PIROMALLI: Yeah, thank you, Jim. I
9 appreciate it.

10 MR. LAQUAGLIA: Thank you Mr. Watson.

11 MR. PIROMALLI: Mr. Chairman, I have no further
12 questions for Mr. Watson.

13 MR. LAQUAGLIA: Thank you, sir. Are there any
14 questions from the board for Mr. Watson? I don't see
15 anybody's hand. Amanda, do you see anybody's hand?

16 MS. WATERS: I don't see anyone.

17 MR. LAQUAGLIA: Okay. Are there any questions
18 from the public for Mr. Watson pertaining to his
19 testimony? You're going to have to help me on this
20 too, Amanda. I can't see anything.

21 MS. WATERS: No one, no hands raised.

22 MR. LAQUAGLIA: Nobody. Thank you, Mr. Watson.

23 MR. WATSON: You're welcome. Thank you.

24 MR. LAQUAGLIA: Mr. Piromalli.

25 MR. PIROMALLI: Uh, Mr. Chairman, if there's

1 nothing else, I have no other witnesses. Just a few
2 brief, uh, moments to sum up if that's okay with you.

3 MR. LAQUAGLIA: Uh, you know what, Mr. Marucci,
4 if you don't mind, Mr. Piromalli?

5 MR. PIROMALLI: Of course.

6 MR. LAQUAGLIA: Mr. Marucci, do you have a
7 comment about this before Mr. Piromalli sums up?

8 MR. MARUCCI: I believe I made my comment as --
9 as long as, uh, the board conditions, uh, the
10 application or the approval on -- on a grading and
11 drainage plan that I can work with Mr. Khan, that's
12 all I have.

13 MR. LAQUAGLIA: Okay. And you're okay with the
14 air conditioning units?

15 MR. MARUCCI: Considering the fact that they are
16 going to be buffered, I have no problem with them.

17 MR. LAQUAGLIA: Okay. Thank you, Mr. Marucci. Mr.
18 Piromalli, continue please, sir.

19 MR. PIROMALLI: Thank you Mr. Chairman, members
20 of the board, just a few brief final words in support
21 of the application.

22 As you've heard, the applicant is before the
23 board tonight seeking [inaudible] relief in order to
24 construct a new two-family dwelling and a new detached
25 two-car garage.

1 The design of the proposed two-family dwelling
2 was driven by both desire of the planning board and
3 its prior approval to avoid this style of home with a
4 garage on the ground floor and by the applicant's
5 desire to create enough space to comfortably
6 accommodate his elderly mother on the first floor.

7 Uh, but due to the inclusion of the floor area
8 for the detached garage, we have exceeded the maximum
9 building coverage, uh, by 5 percent by 0.34 percent to
10 be exact.

11 During the course of this presentation, we also
12 identified an additional variance for the proposed
13 location of the HVAC condenser units and the required
14 front yard of the Lincoln Street frontage.

15 Due to the fact this is a corner lot and there
16 are two front yards, this limits the locations for the
17 condenser units and we would appreciate if the board
18 does grant the additional variance for locating those
19 condenser units in the required front yard.

20 Uh, again, our legal notice that we provided for
21 this application did include that additional variance
22 request. It's our position that despite the variances
23 needed, the proposed two-family dwelling will be an
24 appropriate improvement for the site and will
25 drastically improve the appearance of the property and

1 will be a benefit to the neighborhood and to
2 Bloomfield as a whole.

3 On the basis in the testimony and plans presented
4 tonight, I believe sufficient proves have been
5 provided to the board to justify the granting of the
6 variances requested and I respectfully ask that this
7 board approve the variances, uh, requested in the
8 application tonight. I thank the board for its time.

9 MR. LAQUAGLIA: Thank you Mr. Piromalli. Uh, are
10 there any comments from the public regarding this?
11 Again, you're going to have to help me, Amanda, if
12 anybody's waving their hand or whatever they do.

13 MS. WATERS: No, hands up.

14 MR. LAQUAGLIA: No comments from the public.

15 MS. WATERS: Nothing.

16 MR. LAQUAGLIA: Give it a few more seconds.
17 Nobody.

18 MS. WATERS: No.

19 MR. LAQUAGLIA: That portion is closed. Board
20 members, any comments from the board? Mr. Councilman
21 Rockwell?

22 MR. ROCKWELL: Yes. I think this, um, this is a
23 much -- it really fits into the neighborhood much
24 better than it would if it had a garage on the first
25 floor. I think it, uh, is more appropriate that it

1 have a detached garage. So, I see that as a -- a
2 tradeoff of the garage for not having a garage on the
3 first floor. So, I, uh, think that's an acceptable
4 variance to, uh -- for the building coverage.

5 The, um, air conditioning units are -- are
6 proposed to be screened, and I think that's
7 appropriate, an appropriate variance also. Where
8 they're located, I think they'll be less intrusive
9 sound wise to other neighbors, and I appreciate the
10 applicants, um, making, uh, the changes in the fences
11 to be compliant with the four-foot fence requirement.
12 So, I'm in favor of approving this.

13 MR. LAQUAGLIA: Thank you, Councilman. Any other
14 comments board? Uh, Mr. Babula?

15 MR. BABULA: I just want to say that I agree with
16 everything that the Councilman just said.

17 MR. LAQUAGLIA: Thank you, Mr. Babula. Anyone
18 else? I don't see any hands. Okay. Councilwoman, did
19 you have a comment? Okay. Uh, that case, that portion
20 is closed. That being said, can I have a motion to
21 approve or deny this application? I don't know who --
22 who -- who moved it.

23 MR. ROCKWELL: Mr. Babula.

24 MR. LAQUAGLIA: Mr. Babula. Do I have a second?

25 MR. ROCKWELL: I'll second it.

1 MR. RUBIN: Presumably it's a motion to approve
2 Mr. Babula?

3 MR. BABULA: Yes, it is.

4 MR. RUBIN: And subject to Mr. Marucci's reports
5 and commons, correct?

6 MR. BABULA: That is correct.

7 MR. RUBIN: And the reduction in the height of
8 the fence in the side yard as well as along Lincoln,
9 correct?

10 MR. BABULA: That is correct.

11 MR. LAQUAGLIA: And the drainage of the, uh,
12 stairwell going down to the basement? Correct, Mr.
13 Babula?

14 MR. BABULA: Yes.

15 MR. LAQUAGLIA: That would be worked out with Mr.
16 Marucci.

17 MR. BABULA: Correct.

18 MR. LAQUAGLIA: And Mr. Lasek? Uh, councilman,
19 did you second it?

20 MR. ROCKWELL: Yes.

21 MS. WATERS: Amanda, poll everybody.

22 MS. WATERS: Mr. Lasek?

23 MR. LASEK: Yes.

24 MS. WATERS: Councilman Rockwell?

25 MR. ROCKWELL: Yes.

1 MS. WATERS: Uh, Councilwoman Mundell?
2 MS. MUNDELL: Yes.
3 MS. WATERS: Um, Ms. Richardson?
4 MS. RICHARDSON: Yes.
5 MS. WATERS: Uh, Mr. Babula?
6 MR. BABULA: Yes.
7 MS. WATERS: Mr. Harvey?
8 MR. HARVEY: Yes.
9 MS. WATERS: Mr. Farnsworth?
10 MR. FARNSWORTH: Yes.
11 MS. WATERS: Chairman LaQuaglia?
12 MR. LAQUAGLIA: Yes. So, moved. Application
13 approved.
14 MR. PIROMALLI: Thank you, Mr. Chairman. Thank
15 the board very much for its time. Have a great night.
16 Thank you very much.
17 MR. LAQUAGLIA: You, you too. Let's take five
18 minutes off board. Uh, 7:49, so we'll get back at
19 whatever, 7:55 or something. All right. Are we ready
20 to get back, guys? Everybody on board?
21 MR. RUBIN: Yes.
22 MR. LAQUAGLIA: I see nobody disputing that, so
23 the board is now back in session. Next order of
24 business. Applicant and owner Finomus Bloomfield RE
25 Holdings, LLC, preliminary and final major site plan

1 approval, both variances and any such other relief as
2 may be required from the zoning ordinance to develop a
3 restaurant in a neighborhood business B-2 zone,
4 located at 1243 Broad Street, block 1088, lot 59, zone
5 B2. And Mr. Joseph, I do see you're here, sir.

6 MR. JOSEPH: Good evening, everyone. Uh, Steven
7 Joseph, Castano, Quigley & Cherami for the applicant.

8 MR. LAQUAGLIA: Okay, you're on, sir, but before
9 you begin, I'd like to read Mr. Marucci's memo.

10 MR. JOSEPH: Okay. Absolutely.

11 MR. LAQUAGLIA: I just wanted to make sure you
12 were here. I didn't see you right off the bat. Okay,
13 uh, let's see.

14 Chairman, members of the planning board Township
15 of Bloomfield regarding 1243 Broad Street, map 39,
16 block 1088, lot 59, Finomus RE Holdings, LLC, owner
17 applicant, zone B2, neighborhood business district,
18 and this is dated September 20th, 2022.

19 So, it's an updated version for Mr. Marucci.
20 Second review. Chairman, Members of the Board: My
21 office is in receipt of revised plans for the above
22 referenced application as follows: Architectural
23 plans prepared by Zelta Design, Erik Liepins, RA,
24 consisting of sheets SKSK-2 and SK-3, revised August
25 12th, 2022.

1 Engineering site plans prepared by East Point
2 Engineering, LLC, Marc S. Lever, PEPP, consisting of
3 14 sheets revised to April 4th, 2022 and to August
4 4th, 2022. WB-40 truck turning template plan prepared
5 by East Point Engineering, LLC dated November 12th,
6 2021 and revised to August 4th, 2022.

7 Significant revisions were made to the plan as
8 follows: The proposed building is relocated to the
9 northeast in order to provide a minimum 25 feet
10 setback to a residential lot 62, pursuant to section
11 315-35B5, which states lots in one zone that abut lots
12 in a different zone, structures on any lot in any in a
13 particular zone that share a common lot line with a
14 lot line in a different zone shall conform to the more
15 restrictive setback requirements of the two zones
16 along the common property line.

17 Total of proposed indoor seating as indicated on
18 the engineering plans is 28 seats for the Taco Bell
19 and 22 seats for Wendy's. A total of 50 seats requires
20 25 parking spaces. 29 parking spaces are proposed.

21 Two parking spaces are designated for mobile
22 pickup only, one in the vicinity of the Taco Bell
23 entrance and the other in the vicinity of the Wendy's
24 restaurant as entrance. One electrical vehicle, EV
25 parking space is also designated. Outdoor dining is

1 eliminated. Hours of operation will be daily, 7:00 AM
2 to midnight.

3 The grading is a drainage plan is revised to
4 include trench drains at both driveways to prevent
5 runoff from sheet flowing onto Broad Street. The
6 architectural plans labeled SK proposed layoff first
7 floor appears to be lacking in information and
8 details. The proposed sheeting needs to be shown in
9 order to assure compliance with the engineering plan
10 as it relates to the parking calculations.

11 The architectural plans do not indicate the
12 location of proposed HVAC equipment. Will HVAC
13 equipment be located on the roof, and if so, will the
14 equipment be buffered with respect to appearance and
15 noise levels? Is an emergency generator proposed?

16 The application does require variance relief for
17 signage. Sign regulations were recently amended by the
18 governing body per ordinance dated January 24th, 2022.
19 Signage for buildings located more than 20 feet from a
20 public right of way shall not exceed 10 percent of the
21 ground floor facade area, or 70 square feet.

22 The proposed building mounted signage is 110
23 square feet per the engineering plans. A variance is
24 required for exceeding the maximum permitted building
25 mounted signage.

1 Also, in multi tentative buildings where
2 different establishments on the same site have
3 separate exterior entrances for the public, each
4 establishment shall be permitted to erect a wall sign
5 informing to this subsection, provided all such wall
6 signs are similarly illuminated -- illuminated and
7 installed with an architectural sign ban or at the
8 same height. The signage for the Taco Bell and Wendy's
9 does not conform with a similar architectural sign ban
10 and are not designed at the same height.

11 Section 315-42B 1C requires the top of the sign
12 to not extend above the height of the ground floor of
13 the building. The Wendy's sign extends above the roof
14 line. Variance relief is required for not having a
15 similar architectural sign ban and sign height.

16 Bonus free, business free standing signs are
17 permitted at a minimum of 10 feet from the lot line,
18 20 square feet in area at a maximum height of 12 feet.
19 The application proposes a pylon sign, 9 feet from the
20 street line, 48 square feet in area, and 20 feet in
21 height. Section 315-42B 5J permits pylon signs in lieu
22 of a monument sign for shopping centers and auto
23 related businesses only.

24 Pylon sign shall be a setback, minimum of 7 feet
25 from the street line, and a maximum 20 feet in height.

1 Variance relief is required for the non-permitted
2 pylon sign, minimum setback from the street line, size
3 of sign and height of sign.

4 Comments, recommendations outlined in my initial
5 report dated March 15th, 2022, remain applicable and
6 are made, uh, are made a part of this report. My
7 office has no further comments at this time.

8 However, my office reserves the opportunity for
9 further comments, pending testimony received during
10 the hearing process. Respectfully submitted, Anthony
11 Marucci, Planning Board Engineering. And Amanda, we do
12 have a memo from our fire, uh, inspector, if you could
13 just read that.

14 MS. WATERS: I'm sorry.

15 MR. LAQUAGLIA: Read that into the record,
16 please, Amanda.

17 MS. WATERS: Okay. Nicole listed below are the,
18 uh, uh, the items that need to be addressed from my
19 review. Um, he addressed this to Nicole, of course,
20 obviously.

21 MR. LAQUAGLIA: Yeah.

22 MS. WATERS: Uh, back in June in, um, yeah, June.
23 I have also attached a copy of the department's
24 largest vehicles turning radius drawing for their
25 convenience. So, I have a drawing here also, which I

1 guess I can't show you right now.

2 MR. LAQUAGLIA: Is the inspector here, Amanda?

3 MS. WATERS: No, he -- I saw him and, um, he did
4 get the email, he knew. Um, I don't know.

5 MR. LAQUAGLIA: Okay. But he's not online with us
6 though.

7 MS. WATERS: No.

8 MR. LAQUAGLIA: Okay. You know what? Let's just
9 hold that off until the time comes for his take, that
10 may be --

11 MS. WATERS: Okay.

12 MR. LAQUAGLIA: When we could get something, uh,
13 from him or from the fire department.

14 MS. WATERS: Okay.

15 MR. LAQUAGLIA: Um, in that case, Mr. Joseph, if
16 you will, sir.

17 MR. JOSEPH: Absolutely. So, um, just -- just for
18 the -- just for the record, my office and our
19 professionals, we never received the September 20th
20 engineering review letter.

21 Um, that -- that's something I -- I think we
22 could address in testimony tonight, but we -- it's not
23 something that we received in advance of tonight's
24 hearing. Um, this application was originally submitted
25 in February of 2022. It was scheduled for the April

1 12th hearing of this board. There were some concerns
2 raised mostly regarding traffic prior to any testimony
3 being taken.

4 We re-noticed after that hearing. Um, so I -- I
5 don't really think that hearing is relevant for
6 tonight, but the applicant did use this time to work
7 closely with the board's professionals to address all
8 the comments. We found, um, in working with the
9 board's professionals that there were some other
10 concerns aside from the traffic. I believe some of
11 those items were raised in the engineering review
12 letter.

13 Um, and that resulted in a completely redesigned
14 project, a smaller building, increase in parking
15 spaces and electric vehicle spaces, um, and extensive
16 traffic studies that you are going to hear about
17 tonight.

18 Um, the use before the board, restaurant use is
19 permitted in this zone, so permitted use, we wouldn't
20 be here if it wasn't, and we're complying with all the
21 bulk variances there are, some deviations from the
22 signage requirements, as you read in the letter.

23 I do have four experts for you this evening. We
24 have Marc Leber, our civil engineer. We have John
25 Corak, our traffic engineer; Erik Liepins, our

1 architect; and John McDonough, our planner.

2 Um, so let's go ahead and get Marc sworn in.

3 We're going to do civil first to get a sense of the
4 entire site. I will qualify him and we'll take a look.

5 MR. LAQUAGLIA: Go ahead.

6 MS. WATERS: Uh, where is he? Oh, hi. I am sorry.
7 Um, do you swear that the testimony you are about to
8 give is the truth, the whole truth, and nothing but
9 the truth?

10 MR. LEBER: Yes, I do.

11 MS. WATERS: Please state your name for the
12 record.

13 MR. LEBER: Yes, it's Marc with a C. Last name,
14 L-E-B-E-R.

15 MS. WATERS: Thank you.

16 MR. JOSEPH: Great. Thank you, Marc. Um, and just
17 for the benefit of the board, can you give us some of
18 your educational background, how long you have been an
19 engineer and confirm that your license is currently in
20 good standing in the state of New Jersey?

21 MR. LEBER: Sure. Hi, good evening. Um, I
22 received a bachelor of science degree in civil
23 engineering from Drexel University in 1999.

24 Following school, I returned evenings to complete
25 the MBA program at Rutgers Graduate School. In 2004 I

1 was licensed as a professional engineer, in 2005 as a
2 professional planner; and in 2006 I completed the
3 Certified Municipal Engineering Certificate Program.

4 Since then, I've worked on both the public and
5 private side of the business and testified, um, before
6 hearings, both zoning and planning boards and county
7 boards; however, this is my first time in Bloomfield.

8 MR. LEBER: I would ask that the board accept,
9 uh, Marc's qualification.

10 MR. LAQUAGLIA: Uh, we accept him, uh, Mr.
11 Joseph? Thank you, Mr. Leber.

12 MR. LEBER: Thank you. So, I do have a couple
13 things I'm going to share. Uh, one of them has already
14 been submitted. It's just sheet three of the plan set.
15 Uh, I'll put that up first.

16 MR. JOSEPH: So, we -- we should enter the
17 entire, uh, the entire engineering, um, set as, uh, I
18 believe, uh, A1.

19 MR. LAQUAGLIA: A1 correct, Amanda?

20 MS. WATERS: The entire engineering set?

21 MR. LAQUAGLIA: The entire set Mike, is all
22 right?

23 MR. RUBIN: Yep. Entire set, A1.

24 MR. LAQUAGLIA: Okay. Yep.

25 MR. JOSEPH: Okay, great. Thank you, Marc.

1 MR. LEBER: All right, so this property is
2 located at 1243 Broad Street. Uh, the tax designation
3 is block 1088 and its lot 59, and it contains around a
4 half-acre, it's really 0.53 acres, situated along the
5 southerly side of Broad Street, really just a little
6 west of where it becomes Passaic Avenue near the
7 Garden State Parkway.

8 Um, in this area of Broad Street is a two-lane
9 road and it's under jurisdiction of the county, uh,
10 and designated as Route 509.

11 Now the property is occupied by a former
12 Friendly's Restaurant and there's a parking lot there
13 with 37 spaces. Uh, access is off of Broad Street.
14 There are two curb openings today. The easterly
15 opening is about 29 feet wide, and the west of the
16 opening is about 32 feet wide.

17 There is presently an access restriction here,
18 which prohibits a left turn into the property and also
19 prohibits a left turn out of the property. Um, there's
20 presently 86.5 percent of the property covered by
21 impervious surfaces, uh, which is about 20,000 square
22 feet. That includes the building itself and the
23 parking area.

24 And of that 86.5 percent, the building is 2,842
25 square feet or 12.3 percent of the lot area. Now,

1 surrounding the property, there are a mix of uses.
2 Immediately to the east northeast of the site, there's
3 a two-story commercial office building, which is, uh,
4 at the top of this drawing right here.

5 And across the street on the corner, there's a
6 bank with a drive-through. Next door to that, there
7 are two commercial buildings, and then next door to
8 that, there's a public school. To the west of the
9 site, you have Bloomfield Fire Station 4, and to the
10 south, there are single family dwellings located in
11 the R1A zone district.

12 Now this property is located in the B2
13 neighborhood business district and that district
14 allows a variety of uses. So, in the ordinance, there
15 is a purpose for the B2 business district, which
16 states that it is the intent to establish areas where
17 certain types of business uses are permitted to serve
18 the neighborhood in which they're located. More than
19 one permitted principal building and/or use may occupy
20 a lot, and I'll just briefly run through the uses that
21 are allowed.

22 Letter A includes restaurants without a drive-
23 through, and letter B includes fast-food restaurants
24 without a drive-through. Letter C would permit bars.
25 Um, item D is offices. Item E is personal services.

1 Item F, retail sales and services. Item G is service
2 clubs. Item H are banks, which may offer a drive-
3 through service.

4 And it includes public parking areas. J, public
5 uses. K, public utilities. L, educational
6 institutions. Letter M, public parks. And the last
7 item, letter N is shopping centers, no more than
8 50,000 square feet of gross leasable floor area.

9 Now the proposal tonight is to demolish the
10 existing building and remove the parking lot and
11 reconfigure the site in order to construct a new
12 single-story building with a 4,069 square foot
13 footprint.

14 The building will contain a Taco Bell restaurant
15 on the left side and a Wendy's restaurant on the right
16 side. Neither restaurant will have a drive-through.
17 Both restaurants will contain small dining areas.
18 There will be 28 seats inside of Taco Bell and 22
19 seats inside Wendy's. The hours of operation are 7:00
20 AM to midnight.

21 Now, as a single-story building, the, uh, overall
22 height is 18-1/2 feet, but the peak of the tower on
23 the Taco Bell end is 20 feet 6 inches and the Wendy's
24 side tower is 21 feet, 7 inches. The zone permits a
25 building height of up to 40 feet, so we comply with

1 the height limits.

2 Now, as you'll see on this exhibit, the building
3 is situated towards the rear side northeast corner of
4 the property, uh, which complies with the zone
5 setbacks in the B2 zone. On the outside of the
6 building, there's a pickup window for each restaurant,
7 which is really for the use of those that prefer to
8 order by the app and pick up their food.

9 The access from Broad Street will remain largely
10 the same as it presently is today, with the westerly
11 driveway serving as an entrance and the easterly
12 driveway serving as an exit. The no left turn access
13 restrictions would remain in place.

14 So, in other words, the only way to enter the
15 property is a right hand in, and the only way to exit
16 is a right hand out. This parking lot you see here is
17 designed for 29 cars. And in the ordinance, it
18 requires either one space per two seats or one space
19 per 75 square feet of indoor eating area, plus one
20 space per 200 square feet of takeout area, whichever
21 is greater.

22 So, when we did the calculations, we found out
23 that the greater figure was the one per two seats,
24 which would result in 25 parking spaces based on 50
25 seats. So, there are 29 stalls in this plan.

1 There are some special parking spaces adjacent to
2 the Wendy's. There's a mobile pickup stall and
3 adjacent to the Taco Bell, there's a mobile pickup
4 stall.

5 There's also one EV parking space, which has been
6 added pursuant to a recent change in state
7 legislation. Um, aside from the overall layout and the
8 parking, the total site impervious coverage would be
9 decreased to 17,100 square feet or 73.7 percent of lot
10 coverage.

11 Now, this represents a decrease of lot coverage
12 by almost 3,000 square feet as compared to today.
13 There is new landscaping and new LED lighting proposed
14 and also a sidewalk will be installed along the
15 frontage.

16 Um, as you heard earlier, there is a site ID
17 sign, a pylon sign set 9 feet back from the right of
18 way line, and that sign is, uh, 6 x 8 or 48 square
19 feet in area. The top of that sign measures 20 feet
20 above grade.

21 Um, as you also heard before that the sign does
22 require relief, um, because the maximum permitted area
23 is 20 square feet, but really, a pylon sign is only
24 permitted for a shopping center, which would have to
25 be a use of three tenants or more.

1 Now the building facade in the front is 1,536
2 square feet, and the ordinance permits either 10
3 percent of the front facade to be wall mounted signage
4 or 70 square feet, whichever is less.

5 So, we're proposing 110 square feet of wall
6 mounted signage, which does need relief because
7 although it's below the 10 percent maximum, it is
8 above the 70 square feet limitation. We are proposing,
9 uh, trash enclosure, which is depicted adjacent to the
10 firehouse and that would handle refuse and
11 recyclables.

12 And there's also some minor drainage improvements
13 proposed to be installed, as well as all new utilities
14 including water, sewer, gas, and electric. Um, the
15 project requires a permit from the Essex County Soil
16 Conservation District, which we did receive, and that
17 permit was dated April 8th of this year.

18 Um, with regard to deliveries, we did submit a
19 turning template plan. Uh, deliveries do occur in the
20 early morning hours. The driver comes before the, um,
21 restaurant opens, he has a key to the building and he
22 would park in the main drive aisle right in front of
23 the building and he would use his key to access the,
24 um, cooler area where he would make the delivery and
25 proceed to exit the property.

1 Um, as well as trash pickup would also occur in
2 the early morning hours. Now, you know, Broad Street
3 is a county-owned road, we did file an application
4 with the county in March.

5 Um, I did speak with them and they do have the
6 application. However, uh, the reviewer, Mr. Antonio
7 indicated that he's waiting for, uh, this board to
8 decide on the application. Now I want to switch my
9 share to a new exhibit, which is something that was
10 not submitted, and this is two pages of 3.

11 MR. JOSEPH: Oh. Uh, so Marc, sorry, we -- we
12 should enter, uh, we should enter this into evidence
13 as A2. This was not part of the application package.
14 It's a -- it's a 3D rendering, um, of the -- of the
15 final product.

16 MR. LEBER: That's correct. So, what you see here
17 is a view from Broad Street. Um, you see the Taco Bell
18 and the Wendy's logos on the building. There are the
19 pickup windows on the extreme left and right sides.
20 The parking's in the front, more or less this is a
21 mirror image.

22 There's two handicapped accessible stalls in the
23 center. Then you have a bank of eight, a bank of five,
24 another bank of five, and a bank of eight. And then
25 there's one parking stall from mobile pickup adjacent

1 to Wendy's.

2 Um, if I go to the next page, it's just the same
3 view, just closer to the building because this
4 represents the architectural style of the building
5 that's proposed.

6 Um, there was a question earlier about rooftop
7 units, which will be mounted on the top of the
8 building, which is showing the rendering. Um, and
9 other than that, you know, I just want to summarize
10 that what we have here tonight is a proposal for our
11 permitted use in the B2 zone.

12 Um, we're not asking for any bulk variances as it
13 relates to setbacks, block coverage, building
14 coverage, height limitations, floor area ratio, or
15 parking.

16 We do need some signage relief, which we have
17 tonight. Mr. John McDonough, who is a professional
18 planner will discuss later in the presentation the
19 basis for the signage relief. Um, but at this point I
20 don't have any other testimony.

21 MR. LAQUAGLIA: Mr. Leber, yes thank you, sir,
22 but could we put that back up, uh, Mr. Leber, the, uh,
23 rendering you had?

24 MR. LEBER: Yes.

25 MR. LAQUAGLIA: Okay. I'm assuming that the

1 parking spot next to the Wendy's pickup is the pickup
2 spot. It is to the right of the building?

3 MR. LEBER: Right.

4 MR. LAQUAGLIA: Okay. Where's the Taco Bell spot?

5 MR. LEBER: It's the first one over here. It'll
6 be --

7 MR. LAQUAGLIA: But that's not -- that's not
8 designated significant just as a pickup, uh, area, is
9 it?

10 MR. LEBER: It is on -- it is on my site plan,
11 but for the purposes of the rendering, the renderer
12 didn't label the spot. But if you go back to drawing
13 sheet 3 of my plan, it's, um, designated on, you know,
14 the pavement and there's a sign.

15 MR. LAQUAGLIA: Okay. Now, if we could just push
16 the picture up to the -- the first picture that shows
17 Broad Street with -- okay. Is this how the driveway is
18 going to be configured?

19 MR. LEBER: It is. There's one change I do want
20 to point out. This arrow here, on my site plan, is
21 designated as a right turn arrow only.

22 MR. LAQUAGLIA: Yeah.

23 MR. LEBER: Because on my plan I have additional
24 signage that prohibits a left turn out of the
25 location.

1 MR. LAQUAGLIA: Okay. So, the only way you are
2 prohibiting a left turn out and a left turn in is by
3 signage, is that correct?

4 MR. LEBER: That's correct. And again, that's how
5 it is today.

6 MR. LAQUAGLIA: Well, I don't think that's going
7 to -- well anyways, I'll defer to our -- our experts,
8 but can this driveway be curved so you can only make a
9 right turn out and curved only to make a left turn in,
10 and can't cross Broad Street to go out or in?

11 MR. LEBER: I mean, we could make a channelizing
12 effect to discourage, you know, a left turn movement.
13 I don't see that as an issue.

14 MR. LAQUAGLIA: Okay. So, that can -- that can be
15 changed then, in your opinion?

16 MR. LEBER: Yes.

17 MR. LAQUAGLIA: I'll -- I'll get back to our
18 traffic engineer on all that. It's just something I
19 wanted to throw out there right away.

20 MR. LEBER: Okay. I understand.

21 MR. LAQUAGLIA: Um, board members, any questions
22 Mr. Babula?

23 MR. BABULA: I'll get to my question, Mr.
24 Chairman. I just want to note that I have not seen
25 this iteration of the plan before. I know the colored

1 illustration is new, but the first, um, the first
2 diagram that was shown, I haven't seen that, where the
3 building has been relocated. Um, so I don't know if
4 that was sent out to board members.

5 I did not receive that. I did receive a second
6 set of physical plans. I also received a link, um, to
7 what I thought were revised plans. But what I have in
8 my possession, both digitally and physically, does not
9 resemble what we were just presented by Mr. Leber. So,
10 um, I'm a little concerned because I haven't had a
11 chance to adequately review these plans.

12 MR. LAQUAGLIA: Mr. Joseph, is it -- did you want
13 to address that?

14 MR. JOSEPH: So, we -- we did resubmit hard
15 copies and -- and, uh, a digital set of -- of the
16 revised plans, um, to the town.

17 MR. RUBIN: I have the revised plans. They're
18 dated, uh, August 4th, 2022. I don't know if anybody -
19 - any of the other board members have those. If they
20 do, they -- I ask that they speak up and let us know.

21 MR. LAQUAGLIA: Let me get my -- all my plans
22 together. I can't look at the plans and look at the
23 sheet -- at the screen at the same time.

24 MR. LAFORTE: I have -- I have the revised ones.
25 I have the ones that were shown.

1 MR. JOSEPH: August 4th is the current, um, plan
2 that was resubmitted.

3 MR. RUBIN: Yeah, and that's what I have.

4 MR. JOSEPH: Yeah. And the -- the third page of
5 the plans of the -- of the PDF and the hard copy is
6 the -- the updated site plan, showing the building in
7 the new location.

8 MR. LAQUAGLIA: Does anybody else have a problem
9 with this? Does everybody have the updated plans? Does
10 anybody not have the updated plans, except for Mr.
11 Babula? Mike, I don't know what we're going to do with
12 this, Mr. Babula doesn't have the plans, but everyone
13 else does.

14 MR. RUBIN: Well, hold on one second. I mean, it
15 seems to me that we can at least proceed with
16 questioning based upon what's put up on the screen,
17 um, to the extent we can get it done, we will.

18 I mean, we -- we often -- we often get plans that
19 we see -- not often, but occasionally get plans that
20 are put up for the first time on a -- on a -- on a
21 screen, or even in the old days brought to the board
22 on that day.

23 We just have to do the best we can. If we don't
24 feel like we're able to accomplish everything we need
25 to accomplish, we'll have to continue it for another

1 day, but let's see how far we can get.

2 MR. LAQUAGLIA: Well, okay. I have some of the
3 plans. I have the plans for myself, but Mr. Babula
4 doesn't, so, um, Mr. Babula, are you okay with us
5 continuing this and seeing the plans as they're
6 presented?

7 MR. BABULA: Well, I'm not very comfortable, but
8 we can move ahead and I do have some questions for Mr.
9 Leber.

10 MR. LAQUAGLIA: Okay. Then ask you question, sir.

11 MR. BABULA: All right. So, Mr. Leber, so in the
12 previous plans that were provided, I don't know if
13 they were drawn by you or another one of the
14 applicant's experts. There was a breakdown of the
15 square footage of the building between the two
16 restaurants, broken down between front of house and --
17 and back of the house. Is -- are those figures that
18 you provide or is that going to be somebody else?

19 MR. LEBER: We have tonight, the architect here,
20 who can give you the breakdown of the figures.

21 MR. BABULA: And as far as the, um, the parking
22 calculation, is that something that you derived or is
23 that something that somebody else is going to address?

24 MR. LEBER: No, I can address it. It's indicated
25 in your code chapter 315-41, and it provides two

1 alternate ways to calculate parking, and then you have
2 to take whatever's the highest.

3 So, one method was to use indoor seating with 50
4 seats, and you require one space per two seats. We
5 would need 25 spaces. Um, the other alternate is based
6 on square footage, which designates how much square
7 footage is eating area.

8 Um, in this case, Taco Bell is 620 square feet of
9 eating area, and Wendy's has 530 square feet of eating
10 area, for a total of 1,150 square feet, and then you
11 divide by 75. That gives you 15.3 spaces, but you also
12 have to add, um, uh, one space per 200 square feet of
13 takeout area.

14 So that would increase from 15.3 to as much as
15 16.3 or 17.3, which is still lower than the seating
16 calculation that requires 25 spaces. So, again, going
17 with the higher number, um, 25, we provided 29 spaces
18 to satisfy that.

19 MR. BABULA: All right, so I'm going to ask you
20 to run, because I don't have these plans in front of
21 me, I'm going to ask you to run through some of those
22 numbers again. Um, so there's been a reduction in a
23 number of seats for both restaurants. So, what is the
24 current number of seats for Taco Bell?

25 MR. LEBER: So, that's 28 seats and Wendy's is

1 22. And the other thing I just wanted to point out is,
2 you know, a prior version of this plan had some
3 outdoor seating, which did affect the parking
4 calculations, but those outdoor seats have been
5 deleted.

6 MR. BABULA: Right, I know that. So, what is the
7 current square footage of the, uh, indoor eating area
8 for Taco Bell?

9 MR. LEBER: 620.

10 MR. BABULA: And Wendy's?

11 MR. LEBER: It is 530.

12 MR. BABULA: So, the total square footage for the
13 indoor eating area is, um, between the two
14 restaurants, looks to be 1,150 square feet.

15 MR. LEBER: That's correct. That's what we get.

16 MR. BABULA: Okay. So, you went with the higher
17 metric of the number of seats, uh, two seats, um, two
18 -- I'm sorry, one space for every two seats and that
19 resulted in a parking requirement for the indoor
20 dining for 25 parking spaces. Is that correct?

21 MR. LEBER: Yes.

22 MR. BABULA: Okay. So, now there -- there's also
23 a, um, requirement for takeout. What was your -- I'm
24 sorry, what was your calculation on that again?

25 MR. LEBER: Well, it requires, um, one space

1 additional for 200 square feet of customer area for
2 takeout. So, we used 200 square feet, which would
3 require one more space.

4 MR. BABULA: Where do you get 200 square feet for
5 takeout? Not in the ordinance, but in your
6 calculation, what are you considering takeout space.

7 MR. LEBER: We took the area of the pickup
8 window, you know, where the person would walk up to
9 receive their order.

10 MR. BABULA: Right. I don't think that's correct,
11 and I don't think that's what the ordinance reflects.
12 Uh, the language of the ordinance, it says, um, and
13 I'll read it verbatim, greater of one per two seats or
14 one per 75 square feet of indoor eating area. So,
15 that's the indoor calculation.

16 MR. LEBER: Mm-hmm.

17 MR. BABULA: It says, plus one per 200 square
18 feet total customer area for takeout. Now, my
19 interpretation of that is it is looking at the total
20 area -- customer area in the restaurant, and it wants
21 one space for 200 square feet of that total customer
22 area, because the ordinance doesn't define what is
23 takeout area.

24 So, I -- I -- I think you're misapplying that
25 calculation. I think you need to take the whole, the

1 sum total of the eating area between the two
2 restaurants and then divide by 200, and that comes up
3 with the parking ratio for the takeout customers that
4 are going to be patronizing the site.

5 MR. LEBER: No, that could be done. And if you
6 take the entire 1,150 square feet and divide it by
7 200, then what that would do is it would increase it
8 to another 5-3/4 spaces, which would get you around 22
9 spaces, give or take a fraction. Um, but still the
10 seating number is higher at 25.

11 MR. BABULA: Well, now see my calculation, I come
12 up with a total requirement of 33 spaces, 24 for
13 indoor dining and eight spaces for takeout dining
14 based on what I just recited from the ordinance. One
15 space for every 200 square feet of total customer
16 area. So, my parking calculation is that you need 33
17 spaces total. Again, 25 for --

18 MR. RUBIN: May I -- may I just intervene here.

19 MR. LAQUAGLIA: Yes, Mr. Rubin.

20 MR. RUBIN: I think the or is the greater of one
21 per -- one per two seats, or the combination of one
22 per 75 square feet of indoor eating plus one per 200
23 square feet of customer. You do not add the one per
24 200 square feet total customer area for takeout to the
25 one per two seats.

1 MR. BABULA: No, I -- I -- I disagree with that.

2 MR. RUBIN: That's a separate calculation. That's
3 the way it's always been done forever.

4 MR. BABULA: I -- I disagree with that because
5 first of all, it -- it -- it doesn't make any sense to
6 only apply -- for a fast-food restaurant to only apply
7 a takeout parking calculation in one way, but not
8 another.

9 MR. LEBER: I -- I just want to backtrack for a
10 second. If you take, you know, the 1,150 square feet
11 and divide it by 75, that gets you 15-1/3. Do you
12 agree with that part?

13 MR. BABULA: I'm sorry, repeat that again.

14 MR. LEBER: If you take the 1,150 square feet and
15 divide it by 75, you get 15-1/3.

16 MR. BABULA: Correct.

17 MR. LEBER: And then if you go ahead and add
18 1,150 divided by 200, you get 5-3/4. So, if you had
19 those two together, you're still in the low 20s.

20 MR. RUBIN: Oh, but he's -- he's adding -- he's
21 adding -- he's adding the customer area for takeout to
22 the greater of one per two seats as well. He thinks it
23 applies to both calculations, not just the latter
24 calculation.

25 MR. LEBER: Oh, okay. I misunderstood that. I

1 mean, it -- it appeared in the ordinance that it was
2 the greater of two different methods, and the seating
3 was method 1, and then the area was method 2.

4 MR. BABULA: I agree with that.

5 MR. LAQUAGLIA: Well, you know what, excuse me,
6 Mr. Babula and Mr. Leber, just I'm confused about this
7 also now. If you go by one parking spot for every two
8 spaces, okay.

9 MR. LEBER: Two seats, not spacers.

10 MR. LAQUAGLIA: I'm sorry. One space for every
11 two seats. Okay. You still have to calculate how many
12 parking spaces are required for the takeout window,
13 and the only way to do that is square footage, is that
14 correct?

15 MR. LEBER: No, in fact, when it indicates
16 parking requirement based on seats, it indicates just
17 one per two seats.

18 MR. LAQUAGLIA: What about the takeout window?

19 MR. LEBER: That's -- that's in this separate
20 section. If you want, I could probably put the
21 ordinance on the screen.

22 MR. RUBIN: Mr. Chairman -- Mr. Chairman, I think
23 you should ask for Mr. Marucci's opinion on this. He's
24 been interpreting -- interpreting this ordinance for
25 as long as some of us have been alive. Mr. Chairman,

1 let's swear him in if we can. Let's swear him in.

2 MR. LAQUAGLIA: Yeah. Amanda, please swear in
3 Anthony Marucci.

4 MS. WATERS: Do you swear that the testimony you
5 are about to give is the truth, the whole truth, and
6 nothing but the truth?

7 MR. MARUCCI: I do.

8 MR. BABULA: Mr. Chairman, before we do that, you
9 know I wasn't finished with my question. I -- I want
10 to interject something, then I'll -- I'll give the
11 floor to Mr. Marucci. I just want to say, I think what
12 I wanted to say before, you know, we kind of went off
13 here. In the parking -- all street parking
14 requirements, there's a parking requirement for a
15 restaurant -- there's a parking requirement for
16 restaurant and fast.

17 I think it would be illustrative to take a look
18 at these ordinances because the parking requirement
19 for a restaurant is very similar to the parking
20 requirement for restaurant, fast-food restaurant. I
21 think it'll be helpful to look at this and see them
22 side by side because I think that will illustrate my
23 point here.

24 MR. RUBIN: I think -- I think that that
25 illustrates my point, to be perfectly honest with you,

1 Mr. Babula. The reason why is there's that extra
2 calculation for restaurant fast-food on the square
3 foot indoor eating area, because there's also
4 generally a takeout area, we [inaudible] and that's
5 why that applies to that. Well, that kind of takeout
6 area doesn't apply to sit down restaurants. But again,
7 I'll leave it to Marucci.

8 MR. LAQUAGLIA: Uh, Mr. Marucci, would you have
9 your comment on this, and if so, can we push that, uh,
10 ordinance up on the screen so we could see that as Mr.
11 Marucci's explaining it to us? Anybody? Mr. Leber, if
12 you could do that, or Mr. Marucci or whoever.

13 MR. LEBER: Uh, just bear with me, I have to, uh
14 -- hold on one second. All righty. So, this is chapter
15 315-41. We're -- we're right here.

16 MR. LAQUAGLIA: Can you push that to the left
17 just a little bit? Because I have pictures on the
18 right side.

19 MR. LEBER: Pictures?

20 MR. LAQUAGLIA: Well, I see everybody on the
21 right side of my screen. Can you move to the right? I
22 don't know if you can or not or if I could -- I don't
23 want to do it because I'll erase everything, so.

24 MR. LEBER: You should be able to drag the photos
25 to the other side of your screen.

1 MR. LAQUAGLIA: I'll get through it. Don't worry
2 about it. Okay. Um, Mr. Marucci, could you address
3 this, please, sir?

4 MR. MARUCCI: I'll do the best I can. When you
5 look at the parking requirement for restaurant fast-
6 food, it says the greater of one per two seats, and
7 then the -- the -- the word or.

8 So, stopping there, the greater of one per two
9 seats if we use the seats that Mr. Leeber came up
10 with, it comes to 25 spaces. After the or it says one
11 per 75 square feet of indoor eating area based on his
12 calculations of 1,150 -- 1,150 square feet that comes
13 to 15.

14 Now when you add 200 square feet, one for every
15 200 square feet of customer takeout area, the takeout
16 area is technically outside. Uh, you're -- you're
17 lucky to have 200 square feet for each side.

18 So, that's another two parking spaces. So, you're
19 at 17. I -- I have to come up with the same thing that
20 Mr. Leber came up with. You -- you can't add the two
21 of them together. And this is the way we've always
22 done it, you know, as Mr. Rubin has -- has suggested.

23 Now I'm going to say one more thing though, when
24 I look at the architect's plan, if you look at my
25 report, he doesn't show the -- the, uh, the layout on

1 his latest plan, the, um, August -- August plan.

2 I want to see the layout so I can see exactly
3 what the square footage is. I -- I -- I'm -- we're
4 going by Mr. Leber's, but the architect's plan on
5 sheet SK doesn't have anything on it right now.

6 MR. RUBIN: Mr. Babula, if I may, um, I once
7 litigated a similar question regarding a provision of
8 the municipal land use law, and believe it or not, it
9 came down to a comma, and that's what this comes down
10 to. If there was a comma after the word area, I would
11 agree with you.

12 Without that comma, I don't agree with you. That
13 comma would determine whether or not that plus one per
14 102 square feet modifies both prior provisions or just
15 the latter. Without that comma, it attaches only to
16 the latter.

17 MR. BABULA: Well, that's fine, but I -- I still
18 disagree with that interpretation. If you look at the
19 restaurant, the parking requirement for the
20 restaurant, it's a -- the -- let's -- let's start with
21 the restaurant fast-food, virtually identical to the
22 parking requirement for a restaurant with slight
23 change of verbiage, restaurant refers to dining room
24 and bar area.

25 Fast-food restaurant refers to indoor eating

1 area, which is understandable because fast-food
2 restaurants don't have bars. The way that -- what I
3 infer from this is that when this ordinance was
4 passed, it was the expectation that fast-food
5 restaurants would have takeout business, as we know
6 they do.

7 And so, it's supplementing what the parking
8 requirement is for a regular restaurant with the
9 additional requirement for parking for takeout
10 customers who would be patronizing a fast-food
11 restaurant, whereas you don't have that type of volume
12 of business with regular restaurants.

13 So, the way that I interpret this is that you
14 take the parking requirement for regular restaurants
15 and you're supplementing that with an additional
16 parking requirement for takeout. That's how I
17 interpret this, and I think it's up to this board to
18 interpret that ordinance the way that we see fit. This
19 is my opinion.

20 MR. RUBIN: Frankly, I -- I -- I -- I've already
21 explained why you're wrong -- why I believe you're
22 wrong. Mr. Marucci has to. I think we can move on now.
23 Okay?

24 MR. BABULA: No, I disagree. And don't shut me
25 down, Mr. Rubin. Do not shut me down.

1 MR. LAQUAGLIA: All right, gentlemen -- gentlemen
2 -- gentlemen, let -- let's keep it civil now. Mr.
3 Babula, you made your point. Is there anything else
4 that's -- you know what, the board will consider that
5 in their voting. Uh, Mr., uh.

6 MR. BABULA: Mr. Chairman, I'm not -- I'm not
7 done yet, you know?

8 MR. LAQUAGLIA: No, I understand that. I
9 understand, but just don't argue with Mr. Rubin. I
10 will also ask Mr. Phillips when it's his turn as our
11 professional planner, what his interpretation is too,
12 but as of now, we have Mr. -- you know what, hold on
13 one second Mr. Babula. Mr. Lasek, can I have your
14 opinion on this, sir, as the township engineer?

15 MR. LASEK: Uh, my opinion is, is that I -- I --
16 I take the recommendation of the board professionals
17 who have experienced and have utilized the ordinance,
18 uh, for many years, um, it's the purpose we have
19 professionals and I would go by their -- their
20 opinions, uh, as far as reviewing an application.

21 MR. LAQUAGLIA: Okay. Thank you, Mr. Lasek. That
22 said, Mr. Babula, your point is well taken, of course.
23 Um, let's move on to your next point of view. Our next
24 question and the board will take your point of view
25 into consideration and when Mr. Phillips turn is --

1 his turn to testify, I think we'll ask his take on
2 this also. Otherwise, we're going to go back and forth
3 all night here.

4 MR. BABULA: That's fine. I simply wanted to make
5 my point and explain my interpretation, Mr. Chairman.

6 MR. LAQUAGLIA: Yeah.

7 MR. BABULA: Without being -- without being
8 interrupted, and without being dismissed, and without
9 being shut down. That's all I ask. You know, I'm -- I
10 -- I am an appointed board --

11 MR. LAQUAGLIA: You're a board member and you're
12 entitled to your say, sir, so please continue.

13 MR. BABULA: So, the other point I want to make
14 is -- is that the 200 square feet, the total customer
15 area, I interpret that as -- as applying to the entire
16 front of house eating area, not these pickup windows.

17 So, I think we need to get clarification on that
18 because not all these restaurants have these -- these
19 pickup windows. Most don't. So, the way I interpret it
20 is it applies to the entire restaurant.

21 Now, how you jive one of these parking
22 requirements or the other now is an open question I
23 think for the board to the side.

24 MR. LAQUAGLIA: And also, um, our traffic, uh,
25 expert can maybe address that also, uh, uh, when he

1 addresses the parking. So, we do have other
2 professionals. And we'll take a consensus of
3 everybody. Do you have any other questions, Mr. Babula
4 for Mr. Leber?

5 MR. BABULA: Not at this time.

6 MR. LAQUAGLIA: Thank you, sir. Anybody else?

7 MR. MARUCCI: Mr. Chairman?

8 MR. LAQUAGLIA: Mr. Marucci.

9 MR. MARUCCI: May I ask Mr. Leber -- Mr. Leber,
10 where did you come up with your calculations on
11 seating, because again, I go back to sheet SK, which,
12 um, the architect hasn't, uh, testified yet, but his
13 sheet is blank.

14 I -- I -- that's why I couldn't come up with any
15 numbers. I -- I used yours, but his sheet is blank on
16 this floor plan. He doesn't show the layout at all,
17 with -- with respect to seating tables or square
18 footages.

19 MR. LEBER: What's the date on your SK plan?

20 MR. MARUCCI: August -- August -- August 12th,
21 2022. And -- and -- and it's completely blank.

22 MR. LEBER: It's actually a three-sheet set. Do
23 you have three sheets?

24 MR. MARUCCI: I -- I have the three sheets. I
25 have SK 2 and SK 3. Those are the elevations, but --

1 but SK is -- is completely blank. It's a --

2 MR. JOSEPH: I -- I think what Mr. Marucci is
3 saying is that there's no, um, square footages or --
4 or numbers on -- on the chair within the floor plan,
5 which is --

6 MR. MARUCCI: There is no seating. There is no
7 seating or tables shown at all on the plan that --
8 that was -- that I was given.

9 MR. LEBER: So, the ones that --

10 MR. RUBIN: Mr. Marucci, it's very dull, but you
11 can barely see it.

12 MR. MARUCCI: Really?

13 MR. RUBIN: Yeah.

14 MR. LEBER: I -- I received the same -- I
15 received the same copy of the three-sheet set, which
16 should look like this on your, um --

17 MR. JOSEPH: So, uh, for -- for the record, uh,
18 we should enter this A3. This was the architectural
19 set of plans prepared by, uh, Zeta, um, Zelta Design,
20 excuse me. Uh, it's three, it's three sheets.

21 MR. MARUCCI: I know, I don't know why, but mine
22 is blank, uh, on the interior.

23 MR. RUBIN: If you look really carefully, you can
24 see the outline is nowhere near as dark as what's
25 shown on A3.

1 MR. LAFORTE: Yeah, it's real hard to read. It is
2 there though.

3 MR. MARUCCI: It's -- it's -- it's very -- it's
4 impossible to read, in all honesty.

5 MR. LEBER: All right. Sounds like there was
6 maybe a -- an issue with the printer that printed
7 this, but the seating is depicted, I'll just walk you
8 through this. So, this door here on the left is the --

9 MR. RUBIN: No, no, just, can we just. These
10 aren't your plans. I'm not sure that you're capable --

11 MR. LEBER: I agree. Okay.

12 MR. RUBIN: Putting these into evidence, I think
13 that needs to be done by the architect.

14 MR. LEBER: I -- I am totally fine with that. So
15 --

16 MR. LAQUAGLIA: Let's go back because I -- I
17 think we're getting out of control here just a little
18 bit. Mr. Babula has brought up a -- a -- a good point,
19 which I think we have to address and at some future
20 point. Uh, I'm sorry, Councilman, do you have a
21 question, sir?

22 MR. ROCKWELL: Yes, sir.

23 MR. LAQUAGLIA: Something on [inaudible] hand.

24 MR. ROCKWELL: Yeah. Um, and I do have a question
25 for Mr. Leeber. Um, I wanted to ask this of Mr. Leeber

1 because he brought up the detailed, the permitted uses
2 for B2 zone, but [inaudible] and Mr. Rubin's help on
3 this.

4 So, I -- I understand that restaurants are
5 permitted and there was a restaurant before, but does
6 this mean multiple restaurants are permitted? Can you
7 have three or four? And -- and it's also a principal
8 use, if a principal use is a restaurant, can the
9 principal use be two restaurants?

10 MR. RUBIN: You can have more -- more than one
11 principal use in a lot, on a lot in the B2 zone.

12 MR. LEBER: That question is a good question. In
13 the purpose of the zone, it indicates more than one
14 permitted principal building and/or use may occupy a
15 lot, but in anticipation of the questions that would
16 come up regarding this type of a use, we do have in
17 attendance tonight, Mr. John McDonough, who is a
18 professional planner, who is going to address those
19 comments.

20 MR. ROCKWELL: Okay. Thank you.

21 MR. JOSEPH: I -- I was going to bring that up as
22 well, while -- while Marc is, uh, also a -- a planner,
23 um, uh, John is -- is here and getting paid to be
24 here, so we should let him do some of the work as
25 well.

1 MR. LAQUAGLIA: We'll get that at a later time.

2 Um, Mr. Babula, were you done with your questioning of
3 Mr. Leber before we move?

4 MR. BABULA: I do have one more question on -- on
5 a different topic and Mr. Leber if you can answer. So,
6 again, because I don't have this -- these updated
7 plans, I don't have these numbers in front of me, do
8 you have a breakdown?

9 It was provided on the original set. Do you have
10 a breakdown of the um, floor area between the front of
11 house and back of house as was provided in the
12 original set?

13 MR. LEBER: I'm going to have the architect walk
14 you through that.

15 MR. BABULA: Okay.

16 MR. LEBER: That is part of his presentation.

17 MR. BABULA: That's fine. All right. Thank you.

18 MR. LAQUAGLIA: Okay. Board members, are there
19 any other questions from Mr. Leber? I don't see any
20 hands. Amanda, do you see any?

21 MS. WATERS: No hands.

22 MR. LAQUAGLIA: Make it a motion. Anything?

23 MS. WATERS: No hands.

24 MR. LAQUAGLIA: Okay.

25 MS. WATERS: Oh -- oh, go ahead.

1 MR. LAQUAGLIA: Are there any questions from the
2 public for Mr. Leber, but only regarding his
3 testimony. I see Mr. Mock, is that -- is that correct?

4 MR. MOCK: That's correct.

5 MR. LAQUAGLIA: Okay. Identify yourself, sir.

6 MR. MOCK: My name is Peter Mock. I live at 173
7 State Street in Bloomfield.

8 MR. LAQUAGLIA: Okay, go ahead. Only a question
9 though, sir, not a comment.

10 MR. MOCK: Yeah, absolutely. And uh, I totally
11 get it. Um, so, and I -- I was -- my first question
12 was really, uh, Chairman, the same question as you
13 had, uh, was regarding the only one way out, am I
14 asking the right person regarding the -- the -- the
15 question as far as --

16 MR. LAQUAGLIA: Well, there'll be a traffic
17 engineer, but you can ask Mr. Leber. He -- he is the
18 engineer, so.

19 MR. MOCK: Yeah. Um, uh, uh, it's probably better
20 to wait for that, but yeah, that's the -- my -- my
21 question is that you did mention the one way to exit,
22 uh, is there any physical barriers or any way to
23 create a physical barrier to keep people from making a
24 left across Broad Street to enter the -- the location,
25 not so much signage, because people ignore it, but

1 just, is there a physical barrier that is -- is there
2 or -- or can it be created to stop people from doing
3 that?

4 MR. LEBER: Yes. The curb radii on the two sides
5 of the driveways could be modified to channel the
6 traffic to the right exiting and to create a hampering
7 for people trying to make a left-hand in.

8 MR. MOCK: Okay, great. Um, and then I have, uh,
9 one other question, and you showed in that picture
10 there, um, the pull -- uh, uh, in front of the
11 building, there's uh, uh, the curb area. Essentially,
12 it looks about maybe three or four car lengths.

13 Um, and I would expect that, that people dropping
14 someone off to -- to, uh, pick up food or to wait in
15 line would pull up to that area, and if the parking
16 lot was full, possibly stay there. Is there any
17 signage or is there anything actively discouraging
18 people from stopping and staying in that spot?

19 MR. LEBER: Yes, there is. It's actually striped
20 and signed as a fire lane, uh, which would mean no
21 parking or standing is permitted there.

22 MR. MOCK: Okay. Um, if -- if on the chance that
23 -- that -- that people do, do that, because there's --
24 people do things that they shouldn't, um, is there a
25 width enough for the largest vehicle to pass a row of

1 cars if they're in that spot?

2 MR. LEBER: Um, it's a good question. So, the
3 aisle there is 25 feet wide, and typically you'd
4 provide a 25-foot-wide aisle when you have
5 perpendicular parking spaces on both sides, but it's
6 only one way.

7 MR. MOCK: Right. Right.

8 MR. LEBER: So as a -- as a one-way aisle, the
9 minimum width permitted is actually 20 feet if there's
10 no parking.

11 But in this particular case, because it's one way
12 and we have an oversized aisle, should somebody, you
13 know, sit there, which you know, I have a post office
14 across the street from me and they have a sign no
15 parking anytime, but once in a while someone will sit
16 there because they're just running in, but there is
17 sufficient width for someone to pass.

18 MR. MOCK: Yeah. Uh, my concern is flow because
19 we have the -- the issue with the McDonald's, uh, on
20 Broad Street and that -- that has that same sort of U
21 shape and -- and where we have -- when that gets
22 interrupted, it gets really messy. And one last
23 question is really about the volume.

24 Uh, do you anticipate at the high volumes -- at
25 those high-volume periods like Friday or Saturday

1 evenings, when -- when there's lots of, uh, through
2 traffic, do you expect all the spaces to be filled at
3 that point? And if so, is the expectation that it
4 would be street parking that would sort of take over
5 the excess?

6 MR. JOSEPH: I -- I don't mean to interrupt, but
7 that, uh, that may be a, a better question for our --
8 our traffic engineer who's going to be our -- our
9 next, uh, our next expert witness. So, that'll be --

10 MR. LAQUAGLIA: That makes sense. Yeah. That
11 makes sense, Mr. Mock.

12 MR. MOCK: I will defer my question to that.
13 Absolutely.

14 MR. LAQUAGLIA: Yeah. Okay.

15 MR. MOCK: Thank you so much.

16 MR. LAQUAGLIA: You will be entitled to ask that
17 question at that time.

18 MR. MOCK: Thank you. Appreciate it.

19 MR. LAQUAGLIA: Yes, sir.

20 MR. MOCK: Thank you.

21 MR. LAQUAGLIA: Are there any other questions for
22 Mr. Leber regarding his testimony from the public? I
23 don't -- Peter Mock, did you raise your hand again? I
24 guess not. Amanda, do you see any hands?

25 MS. WATERS: I don't see any.

1 MR. LAQUAGLIA: I don't see any.

2 MS. WATERS: I don't see anyone?

3 MR. LAQUAGLIA: No, I don't see anybody. Okay. At
4 that point --

5 MR. PHILLIPS: Mr. Chairman, may -- may I ask,
6 it's -- it's Paul Phillips. May I ask -- may I ask
7 question?

8 MR. LAQUAGLIA: Oh yeah, absolutely, Mr.
9 Phillips, sure.

10 MR. PHILLIPS: Great.

11 MR. LAQUAGLIA: I didn't even see you there.

12 MR. PHILLIPS: That's okay. Uh, so I think you
13 had indicated that, um --

14 MR. LAQUAGLIA: Well, excuse me, Mike, does Mr.
15 Phillips have to be sworn in to ask a question?

16 MR. RUBIN: No.

17 MR. LAQUAGLIA: No. Okay, go ahead. I'm sorry,
18 Paul.

19 MR. PHILLIPS: That's okay, Mr. Chairman. So, you
20 indicated that the, uh, deliveries, uh, will occur
21 when the both of the restaurants are closed, correct?

22 MR. LEBER: That's correct.

23 MR. PHILLIPS: And I assume the tractor trailer
24 deliveries given the users?

25 MR. LEBER: It is. It's a WB 40. Um, one of the

1 plan sheets we had provided showed the turning
2 movements for that vehicle entering and also exiting
3 the property.

4 MR. PHILLIPS: Right. And, um, the -- I guess the
5 reason that has to occur, uh, when the restaurant is
6 closed is because that tractor trailer is going to
7 block access and otherwise the site's not usable for
8 vehicles, correct?

9 MR. LEBER: Yeah. I mean, the parking would be in
10 front of the building, but the --

11 MR. PHILLIPS: You couldn't access the site with
12 the trailer there. There's no room. Correct?

13 MR. LEBER: Yes. But I do want to add that as
14 typical with, um, all Taco Bell and Wendy's, these
15 deliveries are always scheduled in the early morning.

16 MR. PHILLIPS: And that leads me to my next
17 question or concern, which is that, um, what is the
18 early morning because there are nearby residential
19 properties?

20 MR. LEBER: Usually around 5:00.

21 MR. PHILLIPS: Okay. And what about -- and also
22 the same question in terms of, you said the trash
23 pickup is during, I think early morning hours, and
24 again, the trash enclosure is located relatively close
25 to the abutting residents, so what hours are we

1 talking about for that?

2 MR. LEBER: They usually come for trash around
3 6:00, 6:30.

4 MR. PHILLIPS: Okay.

5 MR. LEBER: In the morning.

6 MR. PHILLIPS: Okay. Um, the other, uh, question
7 I had, and this is more of an operations question and
8 I -- I don't know if you're the right witness, but, so
9 I'm kind of throwing this out to the applicant, you
10 know, as a whole, but the -- the pickup window, just
11 so that I'm clear, that's order by app only, correct?

12 MR. LEBER: Yes. Someone would use their phone to
13 place the order and then, you know, drive to the
14 property, you put down that you're at the property so
15 they would start preparing it.

16 MR. PHILLIPS: Okay.

17 MR. LEBER: And then you'd walk up to the window,
18 pick up the order, it's paid for over the app, and
19 then you would leave.

20 MR. PHILLIPS: Okay. And it is a walk up to the
21 window, because I know with several other of these
22 type restaurants, the service comes from someone
23 inside the restaurant that delivers the order to the,
24 uh, customer that's in the designated spot. This is
25 actually, the customer's going to go to the window.

1 MR. LEBER: That's a good question. I -- I'm not
2 sure the answer to that. I -- I don't know that I
3 would, I guess, exclude the possibility that someone
4 would come outside with the food. I don't know the
5 answer to that.

6 MR. PHILLIPS: Okay. And I -- I guess this is
7 again, more of an operations question and I don't know
8 if anyone else from the applicant's team can answer
9 this, but just, uh, some indication of the amount of
10 volume in terms of the business that's anticipated to
11 basically use the, uh, the walk up or pick up window
12 and, you know, whether or not, uh, the one designated
13 space per restaurant is adequate.

14 It's just something to -- to think about as I
15 kind of review the plans and -- and given my
16 familiarity with sort of comparable, uh, fast-food
17 restaurants.

18 Just, uh, Mr. Joseph, just something for you to
19 consider and you may want to have another witness
20 address that. And Mr. Chairman, my last issue is, and
21 -- and Mr. Leber, I apologize if -- if you didn't, but
22 did you at all go through either the landscaping or
23 lighting plan?

24 MR. LEBER: We did submit a landscape plan. It
25 was sheet 5 of the plan set, and then we also

1 submitted a lighting plan, which was sheet 6. I'd be
2 happy to put those on the screen.

3 MR. PHILLIPS: I'll defer to you, Mr. Chairman,
4 but I -- I reviewed those sheets. I think it would be
5 important for the board to basically have a
6 description of landscaping and -- and lighting on the
7 site, but I leave that up to you.

8 MR. LAQUAGLIA: Mr. Leber, is that possible?

9 MR. PHILLIPS: Yep. Hold on one second.

10 MR. LAQUAGLIA: While you're getting that up, Mr.
11 Leber, let -- let me just ask you a quick question to
12 follow up on Mr. Phillips. You say the tractor
13 trailers, when they do their deliveries, are going to
14 park on Broad Street?

15 MR. LEBER: No, they would enter the parking lot
16 and they would park in the aisle near the building
17 where the driver would have a key to go inside.

18 MR. LAQUAGLIA: Okay. I misunderstood that. So,
19 they -- they -- they will not be on Broad Street, the
20 tractor trailers?

21 MR. LEBER: No. There's -- there's no available
22 on street parking at all in this area.

23 MR. LAQUAGLIA: I understand that, but they won't
24 load or unload their tractor trailers from the street.
25 They will pull into the parking lot.

1 MR. LEBER: That's correct.

2 MR. LAQUAGLIA: Okay. I misunderstood that then.

3 MR. RUBIN: Uh, Marc, just one quick, how many
4 days a week are you expecting deliveries?

5 MR. LEBER: I believe they get deliveries twice a
6 week. You know, it's -- this is a unique, uh, you
7 know, situation, because we have the two uses
8 together, but I believe it's twice a week.

9 MR. JOSEPH: I -- I can confirm it is -- it is
10 twice a week and -- and Marc, these are the -- the WB
11 40 trucks, right? So, they're not the full-size
12 tractor to trailers that you see on, uh, on the
13 highway, because they're shorter -- shorter trucks,
14 correct?

15 MR. LEBER: That is correct.

16 MR. JOSEPH: And because of the way the -- the
17 parking lot's designed, um, there's no reason for --
18 for these trucks to back up. So, you're not going to
19 get that beeping signal, correct?

20 MR. LEBER: Correct.

21 MR. JOSEPH: Thank you, Marc. If you could, uh,
22 go through the landscaping and lighting plan now.

23 MR. MARUCCI: Mr. Chairman, could I -- can I just
24 follow up with that question though?

25 MR. LAQUAGLIA: Yes, Mr. Marucci, of course.

1 MR. MARQUES: The same -- Mr. Leber, the same
2 delivery truck delivers to both sites at the same
3 time? They use one delivery truck for both sites at
4 the same time?

5 MR. LEBER: Let me -- let me check with the --
6 later, can you come back to that question?

7 MR. MARQUES: Of course.

8 MR. LEBER: All right. Um, on the screen here is
9 sheet 5, this is a landscape plan. So along the office
10 building, we're proposing a row of green giant
11 arborvitae. And all this, you know, cross-hatched
12 shaded area represents landscape rock.

13 Um, on these sites we prefer to use landscape
14 rock because it lasts longer than seasonal mulch,
15 which usually has to be replenished every year. Within
16 the parking islands and, you know, throughout the
17 parking lot, there's a mixture of shrubs, mostly
18 perennials and some of them are evergreen shrubs
19 including, um, junipers and, uh, inkberry, which is an
20 evergreen shrub, and holly.

21 And then moving to the bottom of the plan here,
22 you have another row, uh, along the firehouse which
23 consists of green giant arborvitae as well. These
24 larger circles are shade trees, which are deciduous
25 trees. Um, presently we have sweet gum, indicated on

1 the plan.

2 Um, as you move to the bottom corner, uh,
3 specifically around the trash enclosure, we have a row
4 of Leyland Cypress behind the enclosure, uh, with
5 additional green giant arborvitae.

6 These little star-shaped guys are actually
7 evergreen trees. Those are Colorado Bruce Spruce. Um,
8 there is 10 of them in total. There is five along the
9 building, and there's five, uh, behind the trash
10 enclosure. And then we have some ornamental trees,
11 which are Star Magnolias, which are flowering. That's
12 this icon behind the building as well this one here.

13 So we tried to, you know, fill in the area
14 nearest the residents with trees that were evergreen
15 and also, uh, attractive that would grow, you know,
16 together, to be more dense. And then throughout the
17 parking lot, we kept it to a low-line types of
18 plantings for, you know, mainly aesthetics.

19 There are some planters along the building, which
20 can be changed seasonally. For example, in the
21 springtime you can put Vinca or, um, you know,
22 Rhododendron, but in the fall you can put
23 Chrysanthemums or cabbage plants to represent
24 different seasons. Uh, and similar to the sign, that
25 type of, uh, planting that can be modified based upon

1 the time of year.

2 Um, as far as the lighting design, which is
3 provided here on sheet 6, what you see are all these
4 little numbers represent lighting levels on the ground
5 surface in foot candles.

6 Um, the large letters A, B, and W, P represent
7 the type of fixture. So a letter A is a single pole-
8 mounted fixture, a letter B is a pole with a fixture
9 facing two different ways, so it's a door fixture. And
10 the WP represent a wall pack light.

11 Now, there are minimum lighting standards for
12 parking lots or accessible by the public. Usually, the
13 minimum is a half foot candle. We provided a slightly
14 higher level of lighting in the parking lot, um, to
15 keep it -- I think it provides for better, uh, safety
16 and visibility.

17 Um, and then these numbers as you look off the
18 property, are calculated based upon the height of the
19 fixtures as to if there's any spillage offsite. So for
20 example, the firehouse, the spillage is, you know,
21 rather low. It's less than one-foot candle on that
22 property line.

23 Um, beyond that, you have .1-foot candle and one-
24 candle in the rear. The only thing I, you know, could
25 tell you with the lighting design, which is I

1 indicated on all lighting testimony is that these
2 light calculations don't take into account, um,
3 vegetation or fencing, which would reduce lighting
4 levels, you know, in those areas.

5 So for example, in this area where we showed all
6 the evergreen trees, that is ignored in the
7 calculations, which would potentially result in a
8 lower-lighting level. Um, these fixtures are all LEDs.
9 They have a, um, mounting height of 25-feet, and they
10 are actually dimmable.

11 So if the board were so inclined, there could be
12 a, uh, controller installed on the site, which will
13 allow the lighting level to be dimmed to 50 percent
14 after hours, which is really not uncommon with LED
15 lights, um, which is really just enough illumination
16 to provide for basic security. Um, that would be up to
17 the board though.

18 MR. PHILLIPS: D- -- do you mind going back to
19 the landscape plan? I just have one follow-up
20 question.

21 MR. LEBER: Oh, yeah. Okay. Is that good for you?

22 MR. PHILLIPS: Yep. That's fine. So I guess one
23 of the concerns that I had was that there is a
24 residential property is wha- -- as you're aware --
25 single-family residential property where, uh -- where

1 this sites abut.

2 MR. LEBER: Mm-hmm.

3 MR. PHILLIPS: And I'm just wondering if, um --
4 a- -- and I think they are probably deserving of the
5 most protection in terms of screening and buffering
6 giving the -- the adjacent commercial use.

7 And I'm wondering why you sort of didn't carry
8 the landscaping, uh, and particularly the non-
9 deciduous landscaping along that common property line
10 with the residential. And I -- I just asked wouldn't
11 that be sort of a more effective screen than the
12 intermittent plantings that you proposed, uh, as an
13 alternative?

14 MR. LEBER: Yeah. I mean, I'd be happy to
15 continue the, uh, arborvitae along this portion of the
16 property.

17 MR. PHILLIPS: Yeah. That's -- that's what I'm --
18 yeah.

19 MR. LEBER: There is fence there. There's a six-
20 foot high fence. I guess it belongs to the owner of
21 Lot 62.

22 Um, and the existence of that fence was really
23 why I didn't propose other fencing, because just have
24 two fences next to each other, you know, that are
25 about one to two feet apart, usually creates more

1 problems with maintenance.

2 But one thing I didn't mention is that there is a
3 new fence proposed, uh, between us and the office
4 building, which is a six-foot high white PVC fence,
5 not showing on this drawing. [Inaudible].

6 MR. PHILLIPS: Okay. I mean -- I mean,
7 ultimately, it's up to the -- to the board, but I -- I
8 think that, you know, it would, uh -- the board should
9 consider your offer of basically enhancing, uh, that
10 screening along that, uh, common residential property
11 line.

12 And I don't even think it needs to go as far you
13 indicate, because the residential property doesn't go
14 beyond that kind of last bend, if you will.

15 MR. LEBER: Okay. Let me just make a note here.

16 MR. LAQUAGLIA: Actually, Mr. Phillips brings up
17 an excellent there. Uh, the screen that's from the,
18 uh, residential area would be a big plus for that area
19 there.

20 MR. LEBER: I -- I just made a note to extend
21 that.

22 MR. LAQUAGLIA: Thank you.

23 MR. PHILLIPS: Thank you. That's all I have, Mr.
24 Chairman.

25 MALE 4: And --

1 MR. LAQUAGLIA: Thank you, Mr. Phillips.

2 MALE 4: -- and, uh -- and -- and, Mark, before
3 we move on from the sheet, can you just i- --
4 indicate, uh, with the cursor of your mouse or
5 something, where -- where the proposed extension would
6 be, would be up to what point?

7 MR. LEBER: Yeah. It would continue, you know,
8 along Lot 62 towards the building and then make pretty
9 much a right turn to the corner.

10 MALE 4: Got it. Understood. Thank you, Mark.

11 MR. LAQUAGLIA: While you got this up there, M- -
12 - M- -- Mr. Leber, what is along that line that you
13 just pointed out to extend there and then go, whatever
14 that is, east from there? What is behind that? Right
15 there. Yeah.

16 MR. LEBER: If you'll allow me, I'll put up
17 another picture of that area.

18 MR. LAQUAGLIA: Uh, yeah, I'm just curious to see
19 exactly what's back there.

20 MR. LEBER: Okay. I mean that -- that whole area,
21 if you look at that office building, um --

22 MR. LAQUAGLIA: I'm not worried so much about the
23 office building. It's to the right of the, uh,
24 project.

25 MR. LEBER: You're talking about here?

1 MR. LAQUAGLIA: Here, yes.

2 MR. LEBER: That's -- that's part of the parking
3 lot, uh, with this office building. It kind of raps
4 around the corner.

5 MR. LAQUAGLIA: So that's all -- that's all part
6 of the office. How close to -- so you're not abutting
7 any residential area directly there then? Is that
8 correct?

9 MR. LEBER: Right. It's just this Lot 62 on the
10 corner.

11 MR. LAQUAGLIA: Okay. I just want to be sure of
12 that. Okay. Thank you, sir. That's my question.

13 MR. LEBER: Oh, you're welcome. I'm going to turn
14 this one off.

15 MR. LAQUAGLIA: Yeah. Please. Uh, Mr. Farnsworth,
16 you have a question?

17 MR. FARNSWORTH: Uh, I don't believe so.

18 MR. LAQUAGLIA: Oh, I -- well, I see a hand upon
19 your picture. I don't know what that means. Are -- are
20 there any other questions for Mr. Leber? Uh, Mr.
21 Neglia, okay.

22 MR. INTINDOLA: Yeah. Uh, Brian with Neglia. Uh,
23 just -- uh, Mr. Leber, the, uh --

24 MR. LAQUAGLIA: I mean, Mr. Intandola, I'm sorry.

25 MR. INTINDOLA: Didn't marry in but it [ph] have

1 to work.

2 MR. LAQUAGLIA: Yeah. Yeah, right.

3 MR. INTINDOLA: So, uh, with the -- so the
4 lighting plan --

5 MR. LEBER: Yes.

6 MR. INTINDOLA: -- is there a little
7 discontinuity where it says the wall backs against
8 you, um -- the west side, the Wendy side?

9 MR. LEBER: Yeah. I was looking at that while I
10 was on the screen.

11 MR. INTINDOLA: What -- what the heck is that? I
12 think there's a little [inaudible].

13 MR. LEBER: It's like a missing, uh, blank area,
14 but it --

15 MR. INTINDOLA: Yeah.

16 MR. LEBER: -- actually would help us because it
17 would even lower the lighting a level lower.

18 MR. INTINDOLA: Right. Or unless the wall pack
19 thinks it's there but it's not on the building. I
20 think that's what happened.

21 MR. LEBER: Yeah. I -- I wasn't looking at that.
22 It might just be a drafting error but I'll --

23 MR. INTINDOLA: So if you were -- so it would, uh
24 -- so if you would have pull it forward to the
25 building, all those light levels would pull forward.

1 So where you have the -- like say the point twos and
2 the point ones on the property line, they could be --

3 MR. LEBER: [Inaudible].

4 MR. INTINDOLA: -- point one than they are point
5 twos.

6 MR. LEBER: Yeah. I agree with that. I was
7 looking at that when it was up, but --

8 MR. INTINDOLA: Yeah. Yeah.

9 MR. LEBER: -- again, it only makes it better,
10 so, you know, it seems that, you know, the wall pack's
11 in mid-air when it should be on the wall.

12 MR. INTINDOLA: Right. And then, uh, I didn't see
13 it in your submission but the, uh -- for the WB-40 is
14 were -- were the attorney templates done, uh, at some
15 point, will we see them in the application?

16 MR. LEBER: Yeah. We did submit a one-sheet plan.

17 MR. INTINDOLA: Oh, okay.

18 MR. LEBER: Which indicated, you know, consistent
19 with the testimony, that the vehicle will be making a
20 right turn in and a right turn out.

21 MR. INTINDOLA: Right.

22 MR. LEBER: And the vehicle tracked path was
23 provided based upon, you know, that turn restriction.

24 MR. INTINDOLA: And, uh, I'm sorry, did -- did
25 you do that? Did you present that to the board?

1 MR. LEBER: It was in the packet. It was a
2 standalone sheet, um, labeled one of --

3 MR. FARNSWORTH: Can we, uh -- can we show that,
4 uh -- can we show that quickly, Mark?

5 MR. BABULA: Yeah. Because -- because if you did
6 the work for it, you should be able to present it, you
7 know, because I think it's one of the board's
8 questions.

9 MR. FARNSWORTH: And, uh -- and once Mark pulls
10 this up, we could -- we could answer this as, uh -- as
11 A4. It's a -- it's a one, uh -- one-pager turning
12 radius for a WB-40 truck.

13 MR. LEBER: All right. Just give me one sec to
14 get that open. Okay, so, you know, in plain English, a
15 WB-40 looks like what most people would refer to an
16 18-wheeler, but it doesn't have 18 wheels. The cab
17 only has two axles. So it's a little bit of a shorter
18 vehicle.

19 And this was the path that we had drawn. We --
20 there's a software out there, believe it or not, that
21 actually does this, uh, and it kind of makes a movie
22 of the truck driving through the property. And you can
23 take a snapshot of all the areas that that the wheels
24 touch on the ground. And that's what we had submitted
25 here for that specific vehicle.

1 So it basically come in, make a right in, um, you
2 know, drive through the parking lot and then exit to
3 the right.

4 MR. FARNSWORTH: And the, uh -- the question I
5 would have is that when you make that right-turn out,
6 I don't see much of an occursion into the other lane
7 when you get back onto Broad Street.

8 MR. LEBER: Yeah.

9 MR. FARNSWORTH: It's hard to discern, because
10 I'm not picking up the double yellow line. But I think
11 you're just right along here.

12 MR. LEBER: Yeah. Actually, right directly after
13 the site, Broad Street changes from two lanes to three
14 lanes, um, you know, if you're heading north, you
15 start to pick up the left-turn lane that starts right
16 up the property.

17 MR. FARNSWORTH: Right.

18 MR. LEBER: So, you know, he's not crossing over
19 the yellow line, um, which is where you're asking.

20 MR. FARNSWORTH: Yeah. So it doesn't seem like
21 you have the -- you know, sometimes you just make it -
22 - it looks like this is, um -- this -- because of the
23 radius you have, that inside radius, it appear that it
24 just clips it, but you can get through.

25 MR. LEBER: Yeah. I mean, if we, you know, add

1 like a channelizing feature there, it would only help
2 that right turn-out.

3 MR. FARNSWORTH: Yes. It may need to be, um --
4 some portion of it may need to have the -- angled or,
5 uh, angled Belgian block to make it work so the inside
6 tires don't ride it as much. But it would prevent
7 passenger vehicles -- a mountable island at -- at some
8 point.

9 MR. LEBER: Yes. Uh, we've used that in the past.
10 That would work fine.

11 MR. FARNSWORTH: And then, um, uh, I don't know
12 if you went over it, but the, uh -- did any feedback
13 from SS County on the right-in right-out to date?

14 MR. LEBER: I mean, I did talk to Mr. Antonio --

15 MR. FARNSWORTH: Okay.

16 MR. LEBER: -- reps within the last 10 days. You
17 know, I -- I don't want to testify as to what he said
18 because you might say, you know, it's hearsay but he
19 basically said they didn't have any concerns. They're
20 just waiting for the, you know, local board to act.

21 MR. FARNSWORTH: Right. Um, typically, this is
22 what make Mr. Antonio would make me do for right-in
23 right-out.

24 MR. LEBER: Mm-hmm.

25 MR. FARNSWORTH: And so we're there.

1 MR. LEBER: Okay.

2 MR. FARNSWORTH: So pretty -- should be expected.
3 All right. That's all I have for now. T- -- thank you,
4 board.

5 MR. LEBER: Okay. Thank you.

6 MR. LAQUAGLIA: M- -- Mr. Leber, you said Broad
7 Street turns into a three-lane coming out from there?

8 MR. INTINDOLA: Mark, yeah, I think you misspoke.
9 I think -- I think it's two.

10 MR. LAQUAGLIA: It's two lanes. I know that for a
11 fact, and one of them is the left-turn lane. So you
12 have one lane going over the bridge, wh- -- which
13 turns into West [inaudible] Avenue over the Parkway
14 bridge, and then the left-turn lane continues on Broad
15 Street --

16 MR. LEBER: Right but --

17 MR. LAQUAGLIA: -- which makes a sharp left turn,
18 but there's not three lanes there.

19 MR. LEBER: No. No. No. The third lane is going
20 the opposite direction.

21 MR. INTINDOLA: Oh, I'm sorry. I misunderstood.

22 MR. LAQUAGLIA: So you're counting the two-way
23 street, and you're counting that lane as a third lane?

24 MR. LEBER: In other words -- here, I'll --

25 MR. LAQUAGLIA: I'm just trying to understand

1 your point here.

2 MR. LEBER: I don't know if I could admit this,
3 but, you know, our site's down here at the bottom --

4 MR. LAQUAGLIA: Right.

5 MR. LEBER: -- so you have two lanes, ones a
6 left-turn lane, one's a --

7 MR. LAQUAGLIA: Yes. Okay.

8 MR. LEBER: -- two-lane, then you have a third
9 lane going this way.

10 MR. LAQUAGLIA: Oh, so that's the lane you're
11 counting as -- okay. No, I d- -- I didn't understand
12 it. I thought you were saying --

13 MR. INTINDOLA: So --

14 MR. LAQUAGLIA: Okay.

15 MR. INTINDOLA: -- yes, so to be safe, I -- I
16 guess, uh, you know, A- -- A5, um, a -- a -- Google
17 aerial of the -- of the project site.

18 MR. LAQUAGLIA: Yeah. I'm not familiar with the
19 site, that's why I questioned it. But that's okay. I
20 just misunderstood how you presented it. That's okay.

21 MR. LEBER: All right. Sorry about that.

22 MR. LAQUAGLIA: N- -- no problem. Um, where are
23 we? Are there any other questions for Mr. Leber?

24 MR. FARNSWORTH: I do have one. I do have one --
25 I do have a few, Mr. Chairman.

1 MR. LAQUAGLIA: Mr. Farnsworth?

2 MR. FARNSWORTH: Yes.

3 MR. LAQUAGLIA: Thank you.

4 MR. FARNSWORTH: Yes.

5 MR. LAQUAGLIA: Okay.

6 MR. FARNSWORTH: Um, I was going to say this for
7 the traffic, uh, of -- of the testimony but, um, since
8 we're on the turning radius of the trucks, um, one of
9 the recommendations I think we're going to hear about
10 later tonight is, um, for a traffic officer or traffic
11 controllers to be posted at certain hours of the day.

12 Um, in lieu of that, I know that, uh, at
13 different portion of Broad Street -- Broad Street down
14 by the McDonald's, they've actually put out cones to
15 prevent left turns at various points during the day.

16 Um, Mr. Leber, if you have to defer this to the
17 traffic people that fine, but was there any
18 consideration of doing anything to prevent left turns
19 in the way of, uh, traffic delineator, cones, um,
20 something along that stretch of Broad Street along the
21 center double-yellow to keep traffic from turning left
22 into, um -- into and out of the property? Um, you
23 know, because as we all know, people do what they're
24 not supposed to do sometimes.

25 MR. LEBER: I didn't have anything on my plan

1 presently.

2 Um, Mr. John Corak's here tonight. Um, if there's
3 a specific recommendation, you know, I would be open
4 to whatever you recommend, but it's probably something
5 better answered by him.

6 MR. FARNSWORTH: Okay. A- -- a- -- and again, if
7 this is something that needs to be deferred to the
8 traffic people, that's fine.

9 But do you have any idea of whether putting
10 something along the lines of, uh, delineator post or
11 cones along that center line? You know, on a semi-
12 permanent basis, just leaving it there, um, would
13 impede trucks abilities to get in and -- to get in and
14 out of the property.

15 MR. LEBER: No. I'm not sure.

16 MR. FARNSWORTH: Okay. That's fine.

17 MR. INTINDOLA: Um, and -- and with regard to
18 that as -- as well, I would, uh -- I don't know the
19 answer to this but I -- I -- I think the county would
20 need to approve of that as -- as well if it's on a, um
21 -- something physically there other than a traffic
22 officer.

23 MR. LAQUAGLIA: I also thank Mr. Joseph that
24 because of the proximity of the firehouse over there,
25 that's something has to be consi- -- you know,

1 considered also.

2 MR. INTINDOLA: It's a good point, too.

3 MR. LAQUAGLIA: We don't want to stop the fire
4 [inaudible] from doing what it has to do --

5 MR. INTINDOLA: Ab- --

6 MR. LAQUAGLIA: -- at any time. Um --

7 MR. INTINDOLA: -- absolutely.

8 MR. LAQUAGLIA: -- okay, but that will be brought
9 up, Mr. Farnsworth with the, uh -- the traffic
10 engineer and our traffic engineer will be there also,
11 uh, to discuss that. And of course, Mr. Phillips, Mr.
12 Marucci [inaudible].

13 MR. FARNSWORTH: Understood.

14 MR. LAQUAGLIA: Okay. And we also have our fire,
15 uh, inspector [inaudible] say at some point. Uh, are
16 there any other qu- -- questions for Mr. Leber for the
17 board? Okay. One more time, are there any questions
18 from the public for Mr. Leber? Mr. Marques, you have
19 your hand --

20 MR. MARQUES: I do have one question.

21 MR. LAQUAGLIA: It's just a question though,
22 correct, sir?

23 MR. MARQUES: Yes, sir, absolutely.

24 MR. LAQUAGLIA: Okay. Go ahead.

25 MR. MARQUES: And its -- and it -- it really just

1 continues on -- on what Mr. Farnsworth was asking, and
2 I -- and I guess -- and I'm not sure if it was
3 answered, as far as the turning radiuses go, if that
4 change is made to make exit restricted just in one
5 direction like physically creating that barrier as
6 well as that exit, if it's -- if it's created that
7 way, will that change that turning radius template to
8 make -- because I -- I think that would make those
9 entrances and exits -- exit more restrictive.

10 So with that truck, i- -- i- -- if those changes
11 are made to the plants, would that truck still be able
12 to make it through there?

13 MR. LEBER: Yes.

14 MR. MARQUES: Would that t- -- template have to
15 be revised?

16 MR. LEBER: No. It would still work because the
17 left side of the curb would be the side that's really
18 being impacted. Um, whereas when a truck makes a right
19 turn, the right radius is the critical one.

20 MR. MARQUES: Got it. And then one other
21 question, you had said PVC fencing and that north
22 border with the -- with the office building, is there
23 PVC fence also along the southern border with the
24 firehouse, or -- or is it just the trees that are
25 there?

1 MR. LEBER: Um, let me see. I believe it's a wood
2 fence. Hold on, I have a couple of photos.

3 MR. MARQUES: And I'm asking, uh, because --
4 because that strip there look very thin, it didn't
5 look very wide, and you were mentioning putting a
6 larger size arborvitae there.

7 And that seemed like it was a very large tree for
8 the width of space where -- or between that fence, if
9 there's a fence there and -- and where the parking
10 space was.

11 So it didn't seem like there's enough grounds
12 whatever for that size tree, so I just looked -- I
13 wasn't sure if that was -- if there is a fence in
14 there that would probably be problematic.

15 If it was open it would probably just grow out. I
16 wasn't sure if -- if there's a fence there that it'd
17 interfere with here arborvitae might be. It looked
18 kind of packed in.

19 MR. LEBER: Right. I mean, the spacing of the
20 plants is based upon, you know, the mature height so
21 that they're not crowding each other out. But the wood
22 fence is along the back of this property near the
23 residence.

24 The firehouse, they actually have something
25 totally different, which is it's almost like a

1 concrete wall. And then above the wall they have a
2 fence you can see through, like a decorative fence.

3 MR. MARQUES: Okay.

4 MR. LEBER: So that -- you know, that's a
5 different style than, you know, what you normally
6 would see. But the -- the residence have a six-foot
7 wood fence.

8 MR. MARQUES: The -- the arborvitaes, like, how -
9 - how wide do they get when they get mature?

10 MR. LEBER: Well, you know, green giants, the
11 reason we use them is because they grow very fast. Um,
12 the width at the base could easily be a 10-foot
13 diameter.

14 Um, you know, green giant arborvitae can exceed
15 40-feet vertically. But at planting, if you put it in
16 at eight-feet tall, I would say within the first four
17 year it's probably going to double that height. So it
18 would be at 16 feet within four years.

19 MR. MARQUES: Yeah. I was more thinking of the
20 width. Um, how much is the -- the strip that is right
21 there between the front -- the front of the park- --
22 the front of the parking spot and the fence there? Is
23 that two-feet, three-feet?

24 MR. LEBEL: Uh, let me just go back to that page.

25 MR. MARQUES: Because it just doesn't -- i- -- it

1 seem like a very big planting for -- for such a small
2 strip. That's all.

3 MR. LEBEL: Let me see if I have a dimension on
4 that. It's a three-foot strip. But, you know, again, a
5 10-foot basis for a tree that's planted and left
6 unmaintained, you know, without any trimming. So, you
7 know, green giants, you can edge-trim them and you
8 won't lose the greenery because they're green
9 throughout -- like certain plants, for example -- I
10 don't know if you're familiar with, um, a Skip Laurel,
11 which is an evergreen shrub.

12 If you trim the greenery on the outside, or a
13 Holly, you trim it back, what you're looking at inside
14 is basically a branch that don't have any vegetation.
15 Um, that's not the case with an arborvitae.

16 If you trim it back, you have green along the
17 entire length of the branch, which is more similar to
18 a, uh, you know, like a Spruce tree. If you cut a
19 branch of a Spruce tree, it has spruce needles on the
20 branch.

21 MR. MARQUES: So you say you could -- you could
22 trim it back and they would -- they would behave in
23 that -- in that space?

24 MR. LEBEL: Yeah.

25 MR. MARQUES: It's actually -- and it's still be

1 green.

2 MR. LEBEL: The whole idea is to keep a buffer
3 linearly, you know. All landscaping has to be
4 maintained, otherwise it starts to get overgrown. But,
5 um, you know, that's --

6 MR. MARQUES: Thank you.

7 MR. LEBEL: I think it's a fine plant for that
8 area but the key is it's fast-growing.

9 MR. MARQUES: Got it. Thank you. I don't have any
10 other questions. I appreciate the, uh --

11 MR. LAQUAGLIA: Thank you, Mr. [inaudible].

12 MR. MARQUES: -- [inaudible].

13 MR. LAQUAGLIA: You had some -- some very good
14 questions. Are there any other questions for Mr.
15 Leber? I don't see anybody. Amanda, do you see anybody
16 --

17 MS. WATERS: I don't --

18 MR. LAQUAGLIA: -- um, raise their hand?

19 MS. WATERS: -- see anyone.

20 MR. LAQUAGLIA: Okay. That port- --

21 MS. WATERS: No hands up.

22 MR. LAQUAGLIA: -- no hands up. That portion is
23 closed. Um, wait real quick, Mr. Phillips and Mr.
24 Marucci, did you have any further questions for Mr.
25 Leber?

1 MR. MARUCCI: No. No, sir.

2 MR. PHILLIPS: I do not.

3 MR. LAQUAGLIA: No. Okay. Thank you, Mr. Leber.

4 MR. LEBER: Thank you.

5 MR. INTINDOLA: So -- so our next expert is going
6 to be traffic engineer. If -- if I could, uh,
7 respectfully request the board for a three to five
8 minute bathroom break. I suspect this is going to be
9 our longest expert testimony. Um, I -- I think that
10 that would be prudent at this time.

11 MR. LAQUAGLIA: Okay. Let's take a five-minute
12 break then. Okay?

13 MR. INTINDOLA: I appreciate it. Thank you so
14 much.

15 MR. LAQUAGLIA: Uh, my pleasure, trust me. Is
16 everybody back. If you are please come back online so
17 I could see you.

18 Uh, Councilwoman, yo- -- you're fine, I see you.
19 [Inaudible] what you got And all the other board
20 members. I guess everyone's back. Right, Amanda?

21 MS. WATERS: Uh --

22 MS. RICHARDSON: Ms. Richardson is back.

23 MR. LAQUAGLIA: Okay. Marvet's here. Mr. Rubin's
24 here. Mr. Marucci?

25 MS. WATERS: Yeah, the re- -- everybody is coming

1 on now.

2 MR. LAQUAGLIA: Okay. We're all -- I think we're
3 all ready to go.

4 MS. WATERS: Okay.

5 MR. LAQUAGLIA: All right. Let's continue, Mr.
6 Johnson, please.

7 MR. JOHNSON: Great. Um, thank you. So our next
8 expert this evening is our traffic engineer, uh, John
9 Corak from Stonefield. Let's get John sworn in.

10 MS. WATERS: Do you swear that the testimony you
11 are about to give is the truth, the whole truth and
12 nothing but the truth.

13 MR. CORAK: I do.

14 MS. WATERS: Please state your first and last
15 name for the record.

16 MR. CORAK: John Corak. The last name is spelt C-
17 o-r-a-k.

18 MS. WATERS: Thank you.

19 MR. JOHNSON: Thank you, John. And if you could
20 just give us some of your educational background,
21 confirm your license is in good standing, just a
22 little bit of, uh, your experience in front of --

23 MR. CORAK: Yes, certainly. I- -- I'm a licensed
24 professional engineer in the state of New Jersey. My
25 license is currently in good standing.

1 I have a Bachelor of Science in civil engineering
2 from the College of New Jersey. I'm an expert in the
3 field of traffic and transportation engineering.

4 I've prepared over 100 traffic studies for landed
5 out map applications, appeared before over 60 boards
6 within the state of New Jersey including both this
7 board and the, uh, Bloomfield Board of Adjustment.

8 MR. LAQUAGLIA: We're fine, Mr. Johnson, we
9 accepted it.

10 MR. JOHNSON: All right. Thank you so much. Uh,
11 John, I know you did a whole lot of work on the site
12 in connection, uh, this application. And in
13 collaboration with the board's traffic engineer, can
14 you tell us a little bit about that history in your
15 findings?

16 MR. CORAK: Of course. So -- so dating back to
17 that first planning board meeting on April 12th where
18 the -- the application was introduced and the board
19 made the request to bring in traffic engineering and
20 planning, um, we took into account, uh, some of the
21 board concerns, ideas of study area, and of course,
22 worked diligently with the board's appointed traffic
23 engineer, Mr. Intindola, um, to identify a proper
24 scope necessary for a traffic study to identify, uh,
25 the -- the traffic capacity impacts, circulation

1 impacts, safety impacts associated with the
2 [inaudible] development.

3 And that scope began with data collection, um, at
4 intersections in the vicinity of the site. We took
5 turning movement count data at the intersection of
6 Broad Street, West [inaudible] Street, and the, uh --
7 the medical office driveway.

8 That's the signalized intersection, uh, just to
9 the east. And then over at Broad Street and Mcleod
10 Lane, uh, where we do have the pedestrian crossing
11 that's used on many of the school children. And that's
12 the -- the first, uh, intersection that does not have
13 a traffic signal. It's the first intersection, uh, to
14 the west of the site.

15 Um, we conducted those counts during the weekday
16 morning, uh, the weekday midday or school dismissal
17 period, uh, the weekday evening peak period, and the
18 Saturday midday peak period. So -- so those times
19 specifically, uh, 7:00 to 9:00 a.m., like 2:00 to 4:00
20 p.m., 4:00 to 7:00 p.m. and then on Saturday, uh, from
21 11:00 a.m. to 2:00 p.m.

22 In addition to collecting turning movement counts
23 at these intersections, uh, we also collected 24-hour
24 vehicular volume counts a- -- along Broad Street, uh,
25 to confirm our count observations a- -- an general

1 traffic understanding, make sure that there was no,
2 um, adverse impacts or -- or events that would
3 otherwise contribute to, um, you know, i- -- i- --
4 incomplete data associated with our collection.

5 Our data collection was chosen, um, to avoid
6 school holidays, of course, wanting to avoid spring
7 break. Um, as soon as -- these counts were conducted
8 back in the spring, back in April. Those counts were
9 conducted on Thursday, April 28th, 2022 and Saturday,
10 uh, April 30th, 2022.

11 Um, in addition to the -- the vehicular counts
12 that were conducted, we did also, uh, include the
13 pedestrian counts associated with this area. Of
14 course, across the street is Brookdale Elementary.

15 We did see, um, crossing guards present crossing
16 school children across Broad Street a- -- at McLeod,
17 um -- McLeod Lane Intersection.

18 As traffic engineers we evaluate a peak hour
19 during each of those time periods. Um, from our count
20 data, the peak hour in the morning occurred from 8:00
21 to 9:00 a.m., which does coincide with the school
22 arrival period a- -- around 8:20.

23 Um, during the weekday midday, uh, the peak hour
24 occurred from 3:00 p.m. to 4:00 p.m., which does
25 coincide with the school dismissal of around 3:20 p.m.

1 Uh, during the evening, uh, the peak hour
2 occurred from 4:45 to 5:45, which is very typical of
3 an evening rush hour, uh, know, commute period.

4 And then on Saturday, our turning movement count
5 peak hour occurred from 11:45 to 12:45. Uh, that said,
6 on Saturday our -- our 24-hour counts did reveal a --
7 a slightly later in the day peak hour from 3:00 to
8 4:00 p.m.

9 It's a difference of about 5.8 percent. And so to
10 account for this, we did increase our Saturday count
11 volumes, um, to -- to account for that 5.8 percent
12 difference, uh, associated with, um, uh, the, you know
13 -- the -- the difference between the -- the counts of
14 the 24-hour volumes and the, uh, turning movement
15 counts.

16 So that provided us an existing condition,
17 basically our baseline traffic data to understand what
18 is going on, on the surrounding roadway network.

19 We then want to look into a future build-out
20 condition. Uh, this is what we refer to as a no-build
21 condition.

22 Essentially, what does the roadway network look
23 like in the future without the proposed Wendy's/Taco
24 Bell development.

25 Um, we forecast these volumes, utilizing

1 background growth rate provided by the New Jersey
2 Department of Transportation.

3 Um, the NJDOT for this type of roadway with Essex
4 County forecast a -- conservatively an annual growth
5 of 2 percent per year. Uh, and -- and what we is a
6 two-year growth rate from the time of the study to, uh
7 -- to when we would actually expect the store to be
8 open and operating. So looking at -- for the traffic
9 study purposes, um, the -- the stores to be open in
10 2024.

11 Uh, then we conducted a level of service analysis
12 to understand that baseline traffic conditions on the
13 surrounding roadway network during that no-build
14 condition.

15 Uh, level of service is analysis typically graded
16 on a scale from A to F, but unlike your typical school
17 report card where you're striving for -- for all As,
18 maybe a few Bs, um, traffic levels of service, um,
19 tend to followed a designed range of level of service
20 C or D, uh, with E's being acceptable in some cases
21 an- -- and really looking at more mitigation or
22 explanation when we, uh, reach the lower levels at
23 levels of service act.

24 So -- so A and B very good consider it over
25 design or simply a lack of volume. C to D is that

1 design range that we look for.

2 Um, and then the lower levels of service are when
3 we'd start to look at mitigating, uh, uh, traffic
4 conditions associated with, uh, the surrounding
5 roadway networking the -- the traffic volumes.

6 Uh, in that no-build condition, um, the levels of
7 service at these intersections, while we do see some
8 queuing in front of the site, they tend to operate in
9 that level service C to D range.

10 Um, the -- the queuing is -- is partially a
11 result of some of the pedestrian traffic isolated to
12 the school periods, but overall, uh, there's not
13 substantial or major congestion through this area. Uh,
14 it tends to be a little bit of sporadic queuing that
15 occurs just based on hitting the timing of the light
16 or when -- when school arrival and dismissal period.
17 It does intend to be long-standing or -- or continuous
18 for several hours throughout the day.

19 Once our -- our no-build condition is
20 established, we then work on forecasting the traffic
21 associated with the development site. And I'm going to
22 go ahead and put, um, sheet 3 of Mr. Leber's site plan
23 sheet back up on the screen. Uh, so I believe this was
24 --

25 MR. LEBER: Uh --

1 MR. CORAK: -- this is A1?

2 MR. LEBER: Th- -- this was A1, yeah, and for the
3 record, alre- -- already entered into, uh, evidence.

4 MR. CORAK: Great. So we're on sheet three of A1,
5 where we do have the, um -- the Taco Bell, Wendy's
6 building and of course, the associated driveways, um,
7 serving the parking lot and the -- and the overall
8 site itself.

9 Um, in order to forecast traffic volume for, um -
10 - for these types of sites, what we've utilized for
11 this report is, is the industry standard, um, Trip
12 Generation manual from the Institute of Transportation
13 Engineers.

14 This is used by -- by traffic engineers
15 throughout the country, it's used by the NJTOT. Uh, it
16 is essential a vast data collection of different types
17 of land uses including fast food users without drive-
18 thru service, which obviously operate a little bit
19 differently than fast food users that do provide
20 drive-thru service.

21 Um, that data from the IT, though, um, some of it
22 is -- is a bit on the older side. It -- it ranges from
23 the 1980s all the way up to the 2010s. So you do have
24 some of that data back from the 1980s where the
25 distinction between drive-thru and no drive-thru is

1 not as great as it is today, as we've continued to
2 see, uh, a shift over the past 10 to 15 years to a
3 greater market share of drive-thru at -- at these
4 different, um, you know, fast food locations.

5 As such, uh, we also wanted to be able to compare
6 to localized data. Uh, we have, um, transaction data,
7 uh, associated with both Wendy's and Taco Bell at both
8 drive-thru and non-drive-thru facilities.

9 And we also wanted to make sure that certain time
10 of day operations, uh, were accounted for accordingly.
11 Uh, the IT doesn't have -- directly have midday, um,
12 time of day, but of course, with Brookdale Elementary,
13 um, right across the street, we want to make sure that
14 we are accounting for those traffic volumes
15 accordingly.

16 And then the breakfast, uh, related traffic
17 generation, Wendy's and Taco Bell although open up at
18 breakfast time, do not generate substantial breakfast
19 traffic, um, to each of these uses. Uh, they -- they
20 do not operate out in the range of some of the other
21 more popular, uh, breakfast locations, um, in the --
22 in the fast food world.

23 So using, you know, a combination of, um -- of
24 those IT rates and the, uh -- th- -- the localized
25 data that, uh, we're able to, uh -- able to prepare

1 and receive, um, we did then route the traffic volumes
2 associated, um, with the proposed development along
3 the roadway network and within our traffic models for
4 each of the roadway peak hours.

5 Um, a- -- as discussed before about the right-in,
6 right-out driveways, those traffic volumes would make
7 a right into the site, used the parking areas provided
8 throughout the site, and then make a right out, um,
9 returning toward, uh, West [inaudible] Street, along -
10 - along Broad Street.

11 So then once we have those traffic volumes, um,
12 routed onto the roadway network, um, that then gives
13 us our build condition.

14 A -- and one thing that's very important
15 associated with a fast food type user when we're
16 looking at those volumes, is that a substantial
17 portion of the traffic generated by the site, comes
18 from vehicles that are already on the roadway network.

19 In the traffic engineering industry we refer to
20 this as a pass-by trip, essentially a motorist is on
21 the -- on the roadway, uh, you know, sees the Wendy's,
22 Taco Bell, turns into the site, makes their stop,
23 continues along their way.

24 Uh, it -- it's cohesive with the access plan for
25 the site and it's how a lot of the traffic for fast

1 food users, um, you know, get to and from the site.

2 Essentially they were already routing, um, you
3 know, along this highway and so they -- they -- along
4 the street, I should say, Broad Street is not highway,
5 but they're -- they're already on Broad Street, not
6 contributing new vehicles to Broad Street, just making
7 that quick detour into the site itself.

8 So then when we look at the build condition in
9 conjunction with the added traffic volumes, looking at
10 both the intersections that are flanking either side
11 of the site itself, uh, we see from a level of service
12 and capacity perspective, is very, very minimal
13 increases, um, to the level of service a- -- and to
14 the, uh -- to the delay.

15 Um, just about in the range of .1 to .2 seconds,
16 um, increase, which is imperceptible to motorists on
17 the roadway network.

18 It is certainly not considered to be, uh, any
19 sort of substantial impact to the roadway network. And
20 in the traffic engineering industry, we would consider
21 this to not have any adverse impact on the roadway
22 network from a capacity perspective.

23 So -- so with that, you know, that essentially
24 summarizes the -- the offsite analysis for the
25 project, where this development with not have any

1 substantial traffic detriment to the roadway network.

2 Then, of course, we do want to look onsite, um,
3 to the -- to the flow of the site, to the parking
4 supply, uh, where we do have the one-way horseshoe
5 type circulation around the site.

6 Uh, we do have, uh, 25 and 24-foot aisles, which
7 are sufficient to accommodate the backing maneuvers,
8 um, out of the parking spaces and onto the drive
9 aisle.

10 Additionally, should a vehicle be, you know,
11 staged in this no-parking area, of course it is
12 signed, striped, labeled as a fire line, um, there is
13 sufficient width for vehicles to -- to bypass a round.

14 So, um, you know, being -- being a little bit
15 familiar with the McDonald's site further down Broad,
16 um, that has a -- has a similar configuration as far
17 as width in a one-way aisle. But what that site has,
18 it basically has two lanes of traffic within their 24-
19 foot aisle, that provide a drive-thru here.

20 We have one lane of traffic in the 24-foot aisle
21 and no drive-thru. So, uh, that really limits the --
22 the amount of interruptions here, it -- it limits the
23 impacts of, um, you know -- of staged vehicles, so to
24 speak.

25 Um, the -- a- -- another key feature associated

1 with the revision, um, to the -- to the site plan set
2 that were most recently submitted, and this comes from
3 our discussions with, uh, Mr. Intindola, at Neglia, is
4 the addition of, uh, mobile pickup-only spaces.

5 These are essentially meant to be very quick
6 turnover and of course, located very close to, uh, the
7 mobile pick-up, uh, windows for each of the Wendy's
8 and the Taco Bell stores, uh, essentially located --
9 the closest space for the Taco Bell, um, to that
10 mobile pickup window and same thing at the Wendy's.

11 Uh, essentially, this allows for -- for those, uh
12 -- those mobile orders. Um, by the time the -- the
13 order has been placed and the vehicle arrives to the
14 site, that order is ready to go at that pickup window.
15 It is a very, very quick process, very quick
16 turnaround.

17 And by providing that parking space right up in
18 the front, i- -- it gives a -- it gives a designated
19 area for, um, you know, what would be a -- a prime --
20 prime location to park, um, with very quick turnover
21 allowing many vehicles to utilize that space, um, as
22 opposed to, let's say, someone dining inside,
23 utilizing the, you know -- the -- the premier spaces
24 within the parking lot itself.

25 As far as parking supply is concerned, um, we do

1 have 29 parking spaces provided on the site. Um, I've
2 heard a little bit of discussion about, uh, the, uh,
3 ordinance requirements for parking.

4 It's my opinion that we do, uh, comply with the
5 township ordinance for parking. But beyond that, um,
6 the Institute of Transportation Engineers also
7 provides parking data, uh, for these types of
8 developments within their -- their Parking Generation
9 manual.

10 And for this size, um, you know, restaurant use,
11 we would expect a -- a -- a peak parking demand of
12 around 19 vehicles, um, for -- for the restaurants of
13 this size. Of course, having 29 spaces provides, um,
14 you know, a bit of a added comfortable as far as
15 ability to maneuver in and out of the parking spaces
16 as well as, um, you know, just -- just being
17 comfortable knowing that parking will be available for
18 the use, given that there is no -- no drive-thru
19 component associated with the project.

20 Overall, um, you know, the site itself I think is
21 very well laid out from the traffic and -- and
22 circulation perspective. Of course, it does provide
23 the adequate parking supply.

24 A- -- and -- and I -- I don't see any of the --
25 the site operations from a traffic and -- and parking

1 perspective, having any sort of substantial adverse
2 impact on the surrounding roadway network or the
3 surrounding community a- -- at large. With that, that
4 concludes, uh, direct testimony, um, with re- --
5 respect to traffic parking circulation.

6 MR. LAQUAGLIA: Thank you, Mr. Corak. Mr. Corak,
7 you have two pickup spots. One for Wendy's and one for
8 Taco Bell. Correct?

9 MR. CORAK: Correct.

10 MR. LAQUAGLIA: What if there's three people
11 picking up Wendy's and four people picking up Taco
12 Bell at the same time, where do they go?

13 MR. CORAK: Right, so -- so the -- the -- the
14 mobile pickup spots do provide the -- the quickest
15 turnaround, should they be available, but of course,
16 that's part of the reason of providing 29 parking
17 spaces on the site, is that the -- the balance, the
18 remaining 27, you know, remain available, uh, for
19 those transactions as well.

20 MR. LAQUAGLIA: Well, let's just consider worse
21 case, what is the parking lot's full?

22 MR. CORAK: Uh, if the parking lot is full --

23 MR. LAQUAGLIA: Well, I- -- I'm just --

24 MR. CORAK: -- yeah.

25 MR. LAQUAGLIA: -- saying that because Wendy's --

1 MR. CORAK: Yeah.

2 MR. LAQUAGLIA: -- and Taco Bell are fairly
3 successful enterprises. Correct?

4 MR. CORAK: Uh, I -- I would say so. Yeah.

5 MR. LAQUAGLIA: I believe that's why they're
6 putting them there. I mean, that -- you know, so it's
7 possible --

8 MR. CORAK: [Inaudible].

9 MR. LAQUAGLIA: -- it could be full. W- -- where
10 do the cars go if there's a backup with the pickup?
11 Which quite honestly is very possible. That's only
12 common sense.

13 MR. CORAK: Right. Um, I mean, legally as far as
14 not parking in fire lanes, right, if there's no
15 parking available on the site, would need to exit the
16 site and recirculate in order to, you know, wait, so
17 to speak, to -- to come back onto the site. Um, you
18 know, it's -- it's possible --

19 MR. LAQUAGLIA: [Inaudible]. Yeah, I'm sorry. Go
20 ahead, sir.

21 MR. CORAK: -- yeah, it's possible that some
22 vehicles may stage in front of the store as well. Um,
23 you know, understanding that -- that is prohibited by
24 sign and striping, but there is sufficient width to
25 bypass, uh, in -- in that event.

1 MR. LAQUAGLIA: Let me just ask a follow-up to
2 that then, sir. Uh, coming out, exiting onto Broad
3 Street --

4 MR. CORAK: Mm-hmm.

5 MR. LAQUAGLIA: To make a left turn onto Broa- --
6 the left turn by the bridge there if -- if you follow
7 [inaudible] --

8 MR. CORAK: Mm-hmm.

9 MR. LAQUAGLIA: -- you have to cross over the
10 straight through lane. Um, there's always that
11 possibility that that's going to block up Broad
12 Street, too, correct?

13 MR. CORAK: Um, we have done queuing observations
14 there. Uh, there are intermented -- intermittent
15 blockages of that exit driveway. They're not
16 prolonged, but it does happen occasionally.

17 MR. LAQUAGLIA: Uh, it happens more than
18 occasionally. I go by there three or four times a day.
19 But that said, the circulate to come out -- as you
20 said before, they would circulate, more or less either
21 they're going to have to come up over the bridge, down
22 to What Chung [ph] Avenue and around again, which is -
23 - could take you as much as 20 minutes, depending on
24 the traffic on all those roads.

25 Uh, or they're going to make an illegal turn, or

1 they're just going to block the driveway. Am I correct
2 in assuming that? Is that a possibility?

3 MR. CORAK: Uh, it- -- it's certainly a
4 possibility.

5 MR. LAQUAGLIA: Okay.

6 MR. CORAK: That's -- that's why from a site
7 design perspective, we- -- we've gone --

8 MR. LAQUAGLIA: Okay. I just --

9 MR. CORAK: -- above -- above and beyond with the
10 parking.

11 MR. LAQUAGLIA: -- just want to satisfy that.
12 Okay?

13 MR. CORAK: Mm-hmm.

14 MR. LAQUAGLIA: Councilwoman Mundell, I saw your
15 hand first.

16 MS. MUNDELL: Yes. Thank you. Um, so could you
17 clarify for me, and it's possible I just misunderstood
18 -- but you made a comment, um, regarding the traffic
19 model you use for comparison regarding takeout without
20 a drive-thru. Some of the data you used dates back to
21 the 1980s to the early 2000s.

22 MR. CORAK: So the -- the industry standard data,
23 the -- the Trip Generation data, published by the
24 Institute of Transportation Engineers, um, that data
25 associated with, uh, fast food users without drive-

1 thru, some of that data, not all of it, dates back to
2 the 1980s.

3 MS. MUNDELL: So how -- how does that account
4 then for things like mobile orders and delivery
5 services like DoorDash and Uber Eats, and is that
6 accounted for in your evaluation?

7 Because I would assume those add volume at quite
8 a different rate. Um --

9 MR. CORAK: Yeah. No, that's a great question. So
10 if I could get into a little bit more detail on it.

11 So what we've done in addition to looking at the,
12 you know -- the industry standard data, is also
13 compare data at real operating sites within North
14 Jersey at -- at Wendy's and Taco Bell locations.

15 And, uh, when I'm bringing up that the -- the
16 datas from 1980, uh, fast food users without drive-
17 thru, were -- were still quite popular. And during --
18 during those data times and when that data was
19 collected.

20 And so the data that we have from non-drive-thru
21 sites, actually shows lesser volume than that older
22 ITE data, uh, that -- that's used as an industry
23 standard.

24 So what we've done in modeling our traffic
25 volumes is, where appropriate, we've used that

1 conservative IT number. It's a higher number than what
2 we've seen at -- at, you know, all of our different
3 studies and different Taco Bell and Wendy's locations.

4 But where it doesn't make a lot of sense. We --
5 we have opted to use, um, you know, data reflective of
6 operating sites within North Jersey.

7 MS. MUNDELL: And can you tell me what sites you
8 compared it with?

9 MR. CORAK: You know, one second here. I -- I
10 have that -- I have that listed in my traffic study.
11 Um, uh, the -- the Taco Bell site without drive-thru
12 is located in North Arlington. Um, and the -- the Taco
13 Bell with drive-thru loca- -- located in Orange. And
14 then the Wendy's without drive-thru, uh, is in Short
15 Hills. And then the Wendy's with drive-thru is also in
16 Orange.

17 MS. MUNDELL: And are those all off of, like,
18 main streets as well?

19 MR. CORAK: Yeah. Those are all -- all off, uh,
20 similar, you know, county -- county streets, um, North
21 Arlington, Skyler Ave, Short Hills is more turnpike.
22 Uh, and both Orange sites are located two different
23 locations on main street.

24 Um, so we weren't comparing to, you know, highway
25 sites, um, you know, route three or -- or -- or

1 otherwise, which tend to not have drive-thru -- uh,
2 would tend to have drive-thru facilities, as -- as
3 opposed to sites without drive-thru. Uh, so we look to
4 compare to -- to similar locations.

5 MS. MUNDELL: All right. Thank you.

6 MR. CORAK: Mm-hmm.

7 MR. LAQUAGLIA: Mr. Farnsworth, I believe you
8 were next.

9 MR. FARNSWORTH: Yes. Um, just to dovetail off
10 Councilwoman Mundell's, um, questions about your --
11 your -- the data that you considered, um, the -- the
12 data that the applicant provided you about the Taco
13 Bell and the Wendy's locations and the traffic of
14 each, um, what time period was that from? What years?

15 MR. CORAK: Um, I believe those were -- were
16 2022.

17 MR. FARNSWORTH: Okay. And how many days worth of
18 data, um, was, uh, put together to come up with these
19 numbers? Was this one day worth? Was this, you know,
20 average over weeks, months?

21 MR. CORAK: Um, I would -- I would need to dig
22 back. Uh, I can get that answer for you though.

23 MR. FARNSWORTH: And aside from the, um, the Trip
24 Generation manual and the data from the applicants
25 themselves, um, did you consider any other, uh, data

1 to, um -- any other average Trip data in terms of
2 coming to your conclusions about the average trips per
3 hour, other than your observations at the site?

4 MR. CORAK: Um, we did -- we did do some
5 observations at a -- a combined, um, a two-tenant fast
6 food operator in, uh -- in Wayne, New Jersey and
7 Hamburg Turnpike. There is a combined Burger King
8 Popeyes, although it does have drive-thru.

9 Um, we -- we studied that sites to -- to give
10 ourselves an understanding of how some of these two-
11 tenant operations work, um, as far as increased demand
12 or Trip Generation and otherwise. And the -- the
13 results of those counts didn't impact our conclusions
14 or findings associated with this data.

15 MR. FARNSWORTH: Okay. Um, just changing gears a
16 little bit here. In -- in looking at this, um,
17 circulation plan, um, are there any accessible parking
18 spaces marked here?

19 MR. CORAK: There are. They are two ADA
20 accessible spaces marked essentially in the site.

21 MR. FARNSWORTH: Okay. Um, all right. Just going
22 back to what I asked, um, Mr. Leber about, um, I -- I
23 know that in the Neglia report, there's a
24 recommendation for a traffic officer, um, at certain
25 points of time given the proximity to the, uh -- to

1 the school.

2 MR. CORAK: Mm-hmm.

3 MR. FARNSWORTH: Was any consideration given to,
4 um, putting in, um, measures that would be in place
5 all day and night such as cones or delineators,
6 something in the street that would prevent, um -- to
7 prohibit the left turns at times where there's not an
8 officer present?

9 MR. CORAK: Yeah. I- -- I- -- I've heard -- I
10 heard that comment, and I'd -- I'd love traffic
11 solutions to try and -- and, you know, better enforce
12 some of these restrictions that the county will
13 certainly implement here at the site.

14 All right. So we've talked about the channelizing
15 of the driveways. Delineators, I think, are useful
16 tools, um, as long as they're well maintained. But of
17 course, that decision is, being a county road,
18 certainly needs county approval on it.

19 You know, the fire department proximity next door
20 would certainly want their say as far as their ability
21 to, uh -- to maneuver firetrucks quickly.

22 Um, there may be some unforeseen traffic
23 circumstance related to delineators that they may be
24 greater experts in than -- than I can could say at
25 this time. Certainly open to the idea of it though.

1 MR. FARNSWORTH: Just to comment on that, uh, I
2 mean, from my perspective, um, you know, there could
3 be a prohibitive left turn here and there can be, um,
4 you know, directional curb cuts that -- that keep the
5 traffic from, um -- they're supposed to keep the
6 traffic from moving in ways they shouldn't, but we all
7 know that people don't obey those at times.

8 MR. CORAK: Mm-hmm.

9 MR. FARNSWORTH: And with this being in such
10 close proximity to an elementary school, um, you know,
11 it seems to me that there needs to be some sort of,
12 um, you know, adequate traffic control at times, other
13 than just pick up and drop off times near the
14 elementary school.

15 Because I think we'd all agree that one child
16 being injured or killed, um, as a result of somebody
17 making a prohibited [inaudible] property is -- is one
18 child too many. Um, so I -- I just -- I think that's
19 something that needs to be considered in this traffic
20 plan as we move forward.

21 MR. CORAK: Great. We -- we would be happy to
22 work with, uh, not only your professionals, um, but of
23 course, professionals at the fire department,
24 professionals with the county, come up with, um, you
25 know, the -- the best course of action for the site.

1 It's agreed, you know, the safety of school children
2 is paramount.

3 MR. FARNSWORTH: Thank you. That's all I have.

4 MR. LAQUAGLIA: Thank you, Mr. Farnsworth. Uh,
5 Mr. Babula, I believe you're next and then Ms.
6 Richardson.

7 MR. BABULA: Thank you. Um, so Mr. Corak, could
8 you go back to what you were describing as -- and I
9 don't recall the phrase you used, passed by or pass-
10 through traffic.

11 MR. CORAK: Yeah. Pass-by traffic. Yes.

12 MR. BABULA: Okay. Can you just quickly recap
13 that portion of your testimony? Just in a nutshell.

14 MR. CORAK: Yeah. So -- so with users like fast
15 food restaurants, um, some retail stores, I think gas
16 stations, those types of uses, a portion of the
17 traffic that goes to that use, is already on the
18 roadway and route to another destination.

19 So -- so that portion of the total traffic going
20 to the site, is already traveling on Broad Street
21 today, but instead of just continuing straight,
22 they've made a quick detour into the site and then
23 continue along their way.

24 MR. BABULA: So -- so are you saying that the
25 expectation is that this site is just going to draw

1 primarily from people passing by and not necessarily
2 people who are coming from a little further away
3 specifically to patronize the site?

4 MR. CORAK: I think there's going to be a mix of
5 the two.

6 MR. BABULA: And is -- I mean -- and I know
7 you're a traffic expert.

8 MR. CORAK: Mm-hmm.

9 MR. BABULA: It may not be in your wheel hou- --
10 wheel house, but based on your work and Mr. Intindola
11 and -- and the applicant, do you have any sense of
12 what that mix is going to be?

13 MR. CORAK: If the --

14 MR. BABULA: D- -- d- -- does anybody?

15 MR. CORAK: Right. The -- so -- so these pass-by
16 numbers, um, the IT does publish, um, you know,
17 typical or average pass-by numbers for these types of
18 sites. Uh, it hovers around 50 percent for fast food
19 users.

20 Um, we would expect roughly in that range for
21 those type of site, especially with the access
22 management plan that's proposed.

23 MR. BABULA: A- -- and the crux of my concern is
24 -- is -- is my sense is -- is that this is going to
25 draw a lot of hour -- out of area traffic, simply

1 because, you know, this is a suburban area, not a lot
2 of fast food restaurants off the highway in this
3 immediate area. Um, and so I think it's going to be a
4 -- a -- a big draw especially initially.

5 And Mr. Farnsworth, you know, in relating his
6 concerns about left turns and his suggestion about the
7 -- the delineators pointed out how to go into a police
8 department, set cones along Broad Street to prevent
9 left turns in left -- into and out of McDonald's. And
10 that started at the McDonald's and the rest stop and
11 the parkway closed, and so it shifted all those people
12 from that McDonald's down to Broad Street.

13 And so that just gave me this -- this concern
14 that we're going to be, you know, drawing a- -- a lot
15 of people from, you know, out of the immediate area,
16 not necessarily just, you know, driving by, because it
17 is not a highway location. Um --

18 MR. CORAK: Yeah, it's -- go ahead.

19 MR. BABULA: No. No. Please go ahead.

20 MR. CORAK: Yeah. I understand the concern. Um,
21 you know of course, the, you know, Bisake Street [ph]
22 continues -- it's a overpass, uh, over the parkway,
23 and Exit 151 is -- is just to the south of the site.
24 Um, you know, I -- I didn't -- I can state that
25 Wendy's and Taco Bell while good locations aren't the

1 draw of some of the other fast food tenants that I've
2 -- I've worked on in recent years, and thinking Chick-
3 fil-A is one of them.

4 Um, uh, the- -- these sites don't draw like --
5 like those kinds of sites do, and if Chick-fil-A can
6 have a rebuilt on this -- this property. Um, but, the
7 -- the point -- the point's well taken. Um, but I -- I
8 don't see this as being a -- a substantial highway
9 draw in particular.

10 MR. BABULA: All right. Um, and you're talking
11 about the parking manual and your parking est- --
12 estimation. And, you know, I'm not going to ask you
13 about the parking ordinance requirements. I think
14 you've already covered that.

15 MR. CORAK: Yeah.

16 MR. BABULA: But I did want to ask you about your
17 comment on that. Just to clarify, so you're referring
18 to a parking manual that estimated counts based on
19 sites like this, um, without a drive-thru.

20 MR. CORAK: Correct.

21 MR. BABULA: Those -- does that data, is that
22 specific to a two-tenant site like this or -- or with
23 the data more oriented towards the single-tenant site?

24 MR. CORAK: Um, the data doesn't specify, um, but
25 what I can say about the equations used is that the --

1 the Y-intercept, so to speak, is at Zero. So if this
2 work considered as one building, um, or single -- one
3 single tenant, it would -- you know, the IT data would
4 -- would indicate the same number of parked vehicles,
5 um, a- -- at 19 vehicles.

6 So, you know, if we want to, you know -- looking
7 at this as a -- as a two-tenant site, perhaps a little
8 bit bump in -- in total number of employees, that --
9 that might increase it a little bit, but we still have
10 a -- a pretty comfortable, um, you know, parking
11 supply at the 29 spaces proposed.

12 MR. BABULA: And that's considering that you've
13 got two different brands that draw probably different
14 customer base. And so the total volume with be greater
15 than if it was just a one big Wendy's or one big Taco
16 Bell?

17 MR. CORAK: Yeah, the -- I mean the -- the data
18 is based on store size.

19 MR. BABULA: Okay. All right. Um, you know, I'm
20 looking at this dramatic diagram or whatever we call
21 this, um, and I see next to the mobile spot for Taco
22 Bell, we have the, uh -- the electric vehicle space,
23 the EV-Ready space.

24 MR. CORAK: Mm-hmm.

25 MR. BABULA: Does it really make sense to put --

1 I -- I'm asum- -- well, I guess I'm assuming, you know
2 the [inaudible] answer is, is that going to have or
3 anticipated to have a -- a charging station? Is that
4 why it's called EV-Ready?

5 MR. CORAK: Yes. Yes.

6 MR. BABULA: Okay.

7 MR. CORAK: That'd be -- that'd be to comply with
8 the, uh -- the state's model ordinance.

9 MR. BABULA: Does it make sense to have it there
10 next -- you know, so close to the building? Um,
11 because I would imagine that's something that's going
12 to plug in. They may linger onsite for a while. Would
13 it make sense to locate that further away from the
14 door and maybe open up as a, um -- either another
15 mobile spot or just a regular spot that would be
16 subject to the higher turnover?

17 MR. CORAK: Yeah. I -- I think you make a very
18 good point there. Um, you know, that EV space could be
19 located, uh, really at any other parking spaces onsite
20 except for, I would say, that was a mobile pickup and
21 -- and the ADA spaces would be the -- the four that I
22 wouldn't locate it at.

23 But I -- I don't see any, you know, traffic
24 engineering or circulation reason for it, uh -- that
25 it couldn't be moved elsewhere. I think -- I think

1 that you make a good point about, you know, keeping
2 more prime parking spaces, uh, hoping for higher
3 turnover customers.

4 MR. BABULA: Yeah. A- -- a- -- and, of course,
5 you kind of raised a good point about the turnover
6 during peak periods.

7 MR. CORAK: Mm-hmm.

8 MR. BABULA: And that seems to be a concern, you
9 know, a number of board members articulated. Um, I
10 guess last question is going to be, um, talking about
11 the breakfast hours.

12 And I believe you -- you were addressing the
13 concerns with respect to the volume of business and
14 traffic during the school, you know, pick-up and drop-
15 off hours.

16 MR. CORAK: Mm-hmm.

17 MR. BABULA: You said that these restaurants, you
18 know, traditionally, uh, have lower volumes during the
19 breakfast hours. Is -- was that correct?

20 MR. CORAK: Correct.

21 MR. BABULA: Okay. Is -- is that based on actual
22 observations or industry data? I mean, is that
23 specific to Wendy's, Taco Bell, or is that like
24 general industry data or do --

25 MR. CORAK: Tha- -- that's specific to Wendy's

1 and Taco Bell.

2 MR. BABULA: Okay. Um --

3 MR. CORAK: Yeah. Specific to -- based on those
4 locations that, uh, uh, discussed earlier that -- that
5 we did our studies with.

6 MR. BABULA: Okay. Thank you.

7 MR. CORAK: Mm-hmm.

8 MR. LAQUAGLIA: Thank you, Mr. Babula. Ms.
9 Richardson? Ms. Richardson, are you still there?

10 MS. RICHARDSON: Yeah. Thank you, Chairman. I'm
11 sorry, I was muted.

12 MR. LAQUAGLIA: Okay.

13 MS. RICHARDSON: I just am questioning, um, when
14 you're coming -- when you're going east and you're
15 turning right into the parking lot, um, because there
16 are two entities, I'm thinking that demand will have
17 the parking spaces filled up, and want to know if we
18 considered, um, the next space over to where the
19 professional building is.

20 Um, what is the ratio of people who may actually,
21 um, once the parking lot is filled, turn into the
22 professional space and kind of block traffic from that
23 standpoint, to use those extra spaces, and what kind
24 of effect that will have, um, in -- in traffic and
25 backing, um -- backing up on Broad Street?

1 MR. CORAK: Right. So -- so your comment is
2 essentially -- or your question is related to, you
3 make a right turn out of the site and then say --

4 MS. RICHARDSON: Right.

5 MR. CORAK: -- you want to use the next driveway
6 and the parking area up here.

7 MS. RICHARDSON: Correct.

8 MR. CORAK: All right. So that -- I would say
9 that -- that maneuver, I don't expect it to be a
10 common maneuver for a number of reasons. One, it's a -
11 - it's a pretty, uh, good distance to actually walk
12 around all the fencing and -- and come up to the site
13 itself. Through these parking spaces are -- are
14 commonly occupied throughout the day with the medical
15 facility. Um --

16 MS. RICHARDSON: Was that part of your testing,
17 um, when you were looking at traffic patterns?

18 MR. CORAK: Um, we -- you know, we did collect
19 observational data. And I would call it data, but
20 observations that, you know, this site was -- was well
21 parked.

22 That said, the -- the right turn maneuver out and
23 a right turn maneuver in, um, you know, those are very
24 simple movements to make. They don't -- they don't
25 require substantial, you know, crossing of lanes or --

1 or impacts of traffic otherwise.

2 I think that -- that both the movements, um, you
3 know, from our facility and into that facility, uh, as
4 right turns, um, wouldn't have any adverse impact on
5 the roadway network.

6 MS. RICHARDSON: Okay. Well, thank you. Um,
7 because I used to live in that neighborhood and I know
8 in the mornings it could get -- get pretty, um, busy.

9 MR. CORAK: Mm-hmm.

10 MS. RICHARDSON: Um, so, um, for the fact of
11 serving breakfast and kids are coming in school, and
12 there's a lot of traffic on Broad Street --

13 MR. CORAK: Mm-hmm.

14 MS. RICHARDSON: -- um, buses and so forth, I
15 just -- I'm concerned that people, if they find the
16 parking lot filled, will just start to utilize the
17 other spaces within the professional parking area.

18 MR. CORAK: Right. Understood. And, um, you know,
19 obviously that -- that is not permitted by -- by the
20 office building, but also with the fencing proposed I
21 think like a- -- also with the fencing proposed, um,
22 along the side frontage, it's -- it's --

23 MS. RICHARDSON: Okay.

24 MR. CORAK: -- a much longer route to go around
25 than it looks on the plan where, you know, you think,

1 hey, I can just walk right over.

2 MS. RICHARDSON: Okay. Thank you.

3 MR. LAQUAGLIA: Thank you, Mr. Richardson. Uh,
4 Mr. Lasek, I believe you are next.

5 MR. LASEK: Uh, yes. Um, regarding, I guess, the
6 original traffic counts that were -- were done here --

7 MR. CORAK: Mm-hmm.

8 MR. LASEK: -- like, it was indicated that you
9 did one on a Thursday and one on a Saturday in April.

10 MR. CORAK: Correct.

11 MR. LASEK: Um, did you consider maybe doing a
12 second set of data on just different days just to kind
13 of confirm consistency with the, uh -- with the data?

14 MR. CORAK: Um, if it's something that the board
15 absolutely requires, um, you know, that -- that's
16 something we could consider. But we've -- we've also
17 reviewed our data and our 24-hour counts with that, um
18 -- of that historic NJDOT that.

19 They -- they frequently, um, you know, collect
20 data, on not only their own state highways but on
21 county roads and local roads themselves. And we're --
22 we're within the acceptable ranges there as well.

23 So, um, you know, we -- we strongly feel that
24 this data is representative of typical conditions on
25 Broad Street. But if -- if we need to do another spot

1 check, um, you know, I'd be happy to provide that to
2 the board and -- and its professionals.

3 MR. LASEK: Yeah. I only bring that up because I
4 believe the one date you said was April 14th.

5 MR. CORAK: Oh, it's the 28th.

6 MR. LASEK: The 28th?

7 MR. CORAK: Mm-hmm.

8 MR. LASEK: You didn't [inaudible] on the 14th?

9 MR. CORAK: No. Not on the 14th.

10 MR. LASEK: I must have misheard that. Oh, yeah,
11 the -- the other thing, too, is I know we're talking
12 about the, uh, you know, the drive-by or the pass-by,
13 um, use here.

14 I -- I -- quite honestly, where this, uh, site is
15 located, um, and just -- just -- ju- -- just the --
16 the behavior of the -- the -- the roadway, uh, I see
17 more planned trips to these places as opposed to
18 people just driving by saying, "Oh, I want to go to
19 Wendy's."

20 I mean, you know, you're in a neighborhood area,
21 it's a relatively local area, um, people just don't
22 drive by, at least that I'm aware of. Just driving
23 down Broad Street and all of a sudden, indicates to
24 themselves, "Oh, I think I'll have some Wendy's
25 today."

1 MR. CORAK: Mm-hmm.

2 MR. LASEK: A lot of times it's kind of planned.
3 I mean, you could see some of that at the McDonald's,
4 um, you know, further down.

5 Um, I don't think those are drive-by. I think
6 those are people who decided they wanted to go to
7 McDonald's, and, you know, they'll -- they'll stand in
8 those lines or si- -- sit in those lines till they get
9 their food.

10 So don't know how well that type of a use or --
11 or that type of assumption really, um, fits this
12 particular location.

13 MR. CORAK: Yes. So -- so some of the pass-by
14 traffic, right, it is still planned even though it's
15 pass-by. I think that's important to consider that you
16 can -- can be on your route and know that the Wendy's
17 and Taco Bell are there and -- and plan to make that
18 stop.

19 But of course, you know, the -- the IT data is an
20 average of multiple sites. Not every site -- certainly
21 not every site operates at that 50 percent number, um,
22 that I was talking about.

23 And if this site, you know, doesn't have that
24 high level of pass-through, I'm still comfortable
25 based on our level of service analysis and the -- and

1 the very minimal impacts that it has, um, or that it
2 shows, I should say, even if it's a greater proportion
3 of -- of new trips that this won't have an adverse
4 impact on the roadway network.

5 MR. LASEK: All right. Uh, just -- just going
6 back to the traffic counts, I -- I would really like
7 to see maybe another set of data, um, you know, just -
8 - just to make sure we didn't miss something. I don't
9 know -- you know, you never know. You know, you never
10 know if -- if there was something going on in the
11 school that day where there wasn't as much traffic or
12 there was some other issue.

13 I -- I think it's helpful in confirming to get a
14 second set of data just to make sure that the numbers
15 aren't, um, drastically different or unusually
16 different from one -- one set to the other. It's just
17 my opinion and my recommendation.

18 MR. CORAK: Sure. We -- we can take that into
19 consideration.

20 MR. LASEK: All right. That's it.

21 MR. LAQUAGLIA: Thank you, Mr. Lasek. Uh,
22 Councilman, I believe you're next.

23 MR. ROCKWELL: Yes. So, um, when they do the
24 calculations for the number of parking spaces
25 required, you know, b- -- based on the square footage

1 or, um, number of tables, is that also counting for
2 parking for employees?

3 MR. CORAK: Uh, yes.

4 MR. ROCKWELL: So if you have two tables, that --
5 that includes like parking for, you know, half -- a
6 half of the employee or what-- -- h- -- how many
7 employees -- do you know how many employees are you
8 expecting to work here?

9 MR. CORAK: Um, during -- yeah, during those peak
10 periods, uh, about 12 to 14.

11 MR. ROCKWELL: And -- and that's going to -- th-
12 -- th-- they're going to be incorporated into those
13 parking space numbers.

14 MR. CORAK: Correct. And so when -- when we look
15 into the requirements, it's not only the seat
16 requirements but there is the square footage
17 requirements.

18 So those -- you know, those two components help
19 balance each other out. Um, and those are -- those are
20 employee counts during that peak period. And -- and as
21 you move to the off-peak period, that -- that number
22 drops as well.

23 MR. ROCKWELL: So it looks like you'd need
24 possibly 12 parking spaces for employees?

25 MR. CORAK: Right, out of the -- out of the 29

1 provided, and that's assuming that all of the
2 employees drive, which, uh, at fast food restaurants,
3 it's not always the case.

4 MR. ROCKWELL: Okay. Um, you -- you were talking
5 about Trip Generation and the -- and the numbers. Can
6 you actually give those numbers [inaudible] --

7 MR. CORAK: Yeah.

8 MR. ROCKWELL: -- sum- -- summarize what -- what
9 the numbers are?

10 MR. CORAK: Yeah. I can. So the -- the numbers
11 utilized in the report, again, these are peak hour,
12 um, traffic volume.

13 MR. JOHNSON: I'm sorry -- sorry to interrupt. If
14 you want just to give the -- the date of your traffic
15 report. I know it was, uh -- it was submitted with
16 everything, just for the record, the date of your
17 traffic report.

18 MR. CORAK: It's June 3rd, 2022.

19 MR. JOHNSON: Okay. Thank you.

20 MR. CORAK: Okay. Great. All right. So during the
21 -- as we -- we identified four peak hours of study. So
22 in the during the morning peak hour, very low traffic
23 generator, about 10 total trips with -- over the
24 course of that hour.

25 Um, during that midday peak hour, which were

1 considering to be during the school dismissal, uh, it
2 is about 70 cars coming to the site, so you have, uh,
3 the -- the sort of a rounding area of 69 in, 70 out,
4 for a total of 139 trips. During the evening dinner
5 rush, uh, it's -- it's 72 in, 73 out for 145. And then
6 on the Saturday, um, midday period, we have 117 in,
7 122 out.

8 MR. ROCKWELL: Okay. Thank you.

9 MR. CORAK: Mm-hmm.

10 MR. LAQUAGLIA: Uh, Mr. Farnsworth.

11 MR. FARNSWORTH: Thank you. Um, in preparing your
12 study, did you take into account the fact that there's
13 also a -- a Chick-fil-A and a Starbucks being built,
14 um, you know, probably less than a quarter mile from
15 this location that will have access off Broad Street?

16 MR. CORAK: Um, our traffic study included
17 background -- background growth factor from the NJDOT.
18 Um, it did not directly add additional volume re- --
19 relating to a Chick-fil-A or Starbucks project.

20 MR. FARNSWORTH: Were you aware of that project
21 when you prepared the study?

22 MR. CORAK: Um, I -- I do not believe that, that
23 I'm familiar with that one.

24 MR. FARNSWORTH: Okay. Would the numbers that the
25 additional traffic that would be generated by those

1 sites be important in your analysis to this site?

2 MR. CORAK: I think -- I -- I haven't had a
3 chance to review that project and -- and how its
4 traffic, um, would distribute volumes past our site.
5 Um, it's -- it's quite possible. Chick-fil-As are --
6 are generally pretty high-generating uses. Um, and
7 that's something that, you know, if necessary, we can
8 look into as well.

9 MR. FARNSWORTH: Okay.

10 MR. CORAK: I'm just not familiar with -- with
11 that development, um, and haven't reviewed how it
12 really impacts the Broad Street traffic in front of
13 us.

14 MR. FARNSWORTH: Yeah. Just in light of
15 everything that I'm hearing today in terms of, you
16 know, other board members having various different
17 concerns and feeling that additional data might be
18 useful in -- in further considering this traffic, um,
19 situation, um, I -- I think that perhaps it would be
20 useful to consider the impact of that project, because
21 it is very close to your site.

22 And, you know, with their being access, not only
23 from the [inaudible] state parkway but from Broad
24 Street, I think that's -- that would be very important
25 to consider how it would impact the traffic at this

1 site as well.

2 MR. CORAK: Okay. So that's down at, uh, Broad
3 Street, not the parkway?

4 MR. FARNSWORTH: Correct. Correct. But there's an
5 entrance from Broad Street into the -- into the rest
6 stop that allows access to those restaurants.

7 MR. CORAK: Okay. That's something -- that's
8 something we can take a look at, with their -- with
9 the professionals.

10 MR. FARNSWORTH: Thank you. That's all I have.

11 MR. LAQUAGLIA: Any other questions, board
12 members? I don't see anybody's hands popping up.
13 Amanda, you see anybody, any of the board members?

14 MR. RUBIN: Mr. Chairman --

15 MR. LAQUAGLIA: Yes?

16 MR. RUBIN: I just have one question.

17 MR. LAQUAGLIA: Of course.

18 MR. RUBIN: Just one question. Did you, um,
19 observe or take any consideration into the extent to
20 which the left-hand turns are bringing [inaudible] out
21 of the school or the apartment building next door? I
22 know there was some talk about putting delineators in
23 the roadway --

24 MR. CORAK: Mm-hmm.

25 MR. RUBIN: -- which would obviously block those

1 left-hand turns. Did you notice the extend to which
2 either one of those sites generate left-hand turns
3 onto Broad Street or whether they're even permitted?

4 MR. CORAK: Um, I don't have hard numbers. I -- I
5 didn't see a high frequency of them. Uh, we do have,
6 um, you know, video footage that could review and --
7 and get a -- get a more concrete number for you, Mr.
8 Rubin, if that's --

9 MR. RUBIN: Yeah. I mean, I --

10 MR. CORAK: -- something to consider.

11 MR. RUBIN: -- you know, obviously, there's a lot
12 of fallout from doing that kind of thing --

13 MR. CORAK: Mm-hmm.

14 MR. RUBIN: -- that you can't be focused solely
15 on the site involved. It affects a whole lot of other
16 places.

17 So I think that before we even -- you know, I'm
18 not saying we don't go down that road. It makes a lot
19 of sense to me, unless we're impacting other people
20 negatively.

21 MR. CORAK: Right. Understood. And we -- we love
22 creative traffic solutions, but of course need to --
23 to [inaudible] all the angles.

24 MR. JOSEPH: So I -- I do have a couple just
25 wrap-up questions for John.

1 MR. LAQUAGLIA: Mr. Rubin, were you done, Mr.
2 Rubin?

3 MR. RUBIN: Yes. That's the only one I know.

4 MR. LAQUAGLIA: Okay. Thank you. I'm sorry, Mr.
5 Joseph, go ahead.

6 MR. JOSEPH: So -- now worries. Thank you. Um, so
7 -- so, John, did all the data you collected, it was in
8 collaboration with the board's traffic engineer,
9 correct?

10 MR. CORAK: That's correct.

11 MR. JOSEPH: And you -- you stated that's -- your
12 testimony that we do meet all of the parking and
13 traffic requirements in the ordinance?

14 MR. CORAK: Yes.

15 MR. JOSEPH: And were in fact in excess of the
16 required number of parking spaces. Correct?

17 MR. CORAK: That is my opinion, yes.

18 MR. JOSEPH: And you also stated that the -- the
19 roadway is within the county's jurisdiction.

20 MR. CORAK: Correct; Essex County.

21 MR. JOSEPH: And you do not anticipate us, um,
22 being unable to meet any of the county requirements.
23 Correct?

24 MR. CORAK: No. No. We've -- we've had many
25 projects, uh, before David Antonio at the county. Uh,

1 as Mr. Intindola said prior, you know, a project like
2 this, we very much expect ride in, ride out. And so
3 we've, uh -- we've -- we've limited those movements
4 accordingly and -- and will look to, uh, more
5 physically restrict that -- that as well.

6 MR. JOSEPH: All right. So the -- the more
7 physically restricted is the condition that was
8 mentioned ear- -- earlier about the, uh,
9 channelization of the --

10 MR. CORAK: Correct.

11 MR. JOSEPH: -- entrance and the exit?

12 MR. CORAK: Correct.

13 MR. JOSEPH: Thank you, John.

14 MR. LAQUAGLIA: Okay. Thank you, Mr. Joseph. Um,
15 it's getting late, board. Mike, do you think we should
16 call this, uh -- call it a night or should I open it
17 up to the public?

18 MR. RUBIN: You want to see whether any --
19 whether, uh, Mr. Phillips, Mr. Marucci, or Mr.
20 Intindola have any questions for this witness before
21 we --

22 MR. LAQUAGLIA: Okay. We'll do that, then I think
23 we'll -- we'll continue to set a further date. Um, Mr.
24 Phillips, any questions?

25 MR. PHILLIPS: Uh, I -- I just have one, and it

1 relates to a question that I asked the engineer about
2 the level of the, uh, demand for pickup via the app.
3 And -- and let me explain kind of where I'm coming
4 from.

5 Um, and it -- the question sort of relates to the
6 adequacy of the parking supply. And I understand and
7 recognize that the applicant technically meets the
8 ordinance parking requirement, and I -- and I agree
9 with those calculations, by the way.

10 But I think also understanding that the ordinance
11 clearly for this kind of restaurant does not permit
12 drive-thru service. So I'm trying to get a handle on
13 how much app-related pickup is expected on the site,
14 because that's going to generate demand for parking on
15 the site that would not be the case if you had a fast
16 food restaurant with a drive-thru.

17 And I just want to make sure that the supply is
18 adequate. And again, that's why, yes, for some
19 operational testimony on basically what that demand,
20 uh, is anticipated in terms of how much and how it
21 affects parking. And you -- you don't have to answer
22 it now.

23 We're obviously coming back. But I -- I think
24 it's important to give the -- the board and the -- and
25 the public that comfort level that you're going to

1 have enough parking lot on the site.

2 MR. CORAK: Right.

3 MR. PHILLIPS: So before John, uh, a- -- a- --
4 addresses that, I -- I was able to communicate with my
5 client about the pickup. The -- the intention of those
6 pickup spaces is really largely, uh, Uber Eats,
7 DoorDash and the like.

8 And anyone utilizing those -- that pick spaces,
9 everything is paid for in advance, there's no, um, you
10 know, fumbling with payment, just going up and -- and
11 picking up your food and going back to the car and
12 leaving. Uh, that's the intention of -- of those
13 windows from the operation's standpoint. And I'll let
14 John, uh, say a few words as well, if he has any at
15 this time.

16 MR. CORAK: Yeah, you -- you stole my thunder a
17 little bit. I think it's the -- the quickness of the
18 turnover that assists with, um, you know, helping ease
19 that parking demand at the sites, because you're no
20 longer walking in, uh, placing your order or even
21 figuring out what you want to order, place your order,
22 wait for, you know, the -- the employees to make your
23 food and then leaving. It -- it's all been -- you
24 know, that full transaction's been ironed out ahead of
25 time.

1 But, uh, to your point, Mr. Phillips, uh,
2 information regarding how that pickup operation
3 portion of business or otherwise, it -- it's something
4 I can -- I can see what -- what information we have.

5 MR. PHILLIPS: Yeah. And again, I -- I -- I know
6 this is proprietary information. I just want it to be
7 related to the parking question.

8 MR. CORAK: Right. Of course.

9 MR. PHILLIPS: Be- -- because if there all of a
10 sudden is six app, you know, uh, orders, and there are
11 -- there's going to be demand for spaces beyond the
12 one app space for business. And I just want to make
13 sure that the parking supply is adequate, again,
14 because as I read the ordinance, with drive-thru
15 service being prohibited, the parking supply is
16 basically related to the seating in the -- in the
17 restaurant. So I think you understand where I'm coming
18 from.

19 MR. CORAK: Mm-hmm.

20 MR. PHILLIPS: And I just think the board
21 deserves that comfort level.

22 MR. CORAK: Right. And working with, um, Mr.
23 Intindola and -- and reviewing his, uh -- his comment
24 letter a- -- and essentially, I -- I can let him speak
25 to his, but, you know, with the one pickup space per

1 restaurant location, we're -- we're certainly looking
2 to supplement our parking supply a- -- as best we
3 could, right --

4 MR. PHILLIPS: Right.

5 MR. CORAK: -- and -- and provide as many
6 additional spaces for that operation as possible.

7 Um, at this point, not able to -- to sign, you
8 know, a -- a substantial number of the spaces for
9 that, but should that be the, you know -- the growing
10 trend or demand in the future, uh, it's certainly
11 something from a business perspective to look into.
12 Yeah.

13 MR. PHILLIPS: Right. And -- and I just have one
14 other question. Uh, in your professional opinion, d- -
15 - do you have any concerns -- I'm looking at the
16 parking space -- the two closest parking space is on
17 either side of the entrance.

18 Do you have any concern with the proximity of
19 those spaces to the roadway basically in terms of
20 someone turning back out while someone's entering?
21 And, uh, it --

22 MR. CORAK: Yeah, the -- you know, those two
23 parking spaces, they are the two closest. I don't have
24 a -- a substantial safety concern, but we could
25 designate those as employees spaces to really limit

1 that turnover there.

2 MR. PHILLIPS: Okay. Thank you. That's all I had,
3 Mr. Chairman.

4 MR. LAQUAGLIA: Thank you, Mr. Phillips. Uh, Mr.
5 Marucci, would you ask your -- any questions, sir?

6 MR. MARUCCI: Actually, Councilman Rockwell, uh,
7 raised the question that I was going to raise, which
8 is the amount of employees there, and the answer is 12
9 to 14 during peak hours, which takes up half the
10 parking lot.

11 But again, that's what our ordinance, uh -- it's
12 all incorporated in -- into our ordinance. So, um,
13 what Mr. Phillips said is -- makes a good point as far
14 as the, uh, uh -- the takeout and -- and how that
15 affects the parking. So --

16 MR. LAQUAGLIA: Well, Mr. Marucci, let me ask you
17 this question then or I'll ask Mr. Intindola, if you
18 prefer. But they need 25 spots because of the 50
19 seats. Is that correct?

20 MR. MARUCCI: Yes.

21 MR. LAQUAGLIA: And then that also includes the
22 employee parking within that 50 seats?

23 MR. MARUCCI: Unfortunately, that's the way our
24 ordinance reads, yes.

25 MR. LAQUAGLIA: It does. Okay.

1 MR. MARUCCI: Yes.

2 MR. LAQUAGLIA: I just want to -- as long as
3 that's the way that it is, that's what it is then.
4 Okay. Thank you.

5 MR. MARUCCI: You're welcome.

6 MR. LAQUAGLIA: Um, Councilman, did you have a
7 question before Mr. Intindola comes up?

8 MR. ROCKWELL: Yes. I wanted to follow up on Mr.
9 Phillips' comment and questions. The, um -- the way I
10 see it -- I mean, I -- I understand there's a pickup
11 window, and that's for people who place an app order.

12 But aren't there going to be a lot of people who
13 walk into the restaurant to buy takeout? I mean,
14 that's pretty typically what happ- -- I mean,
15 everybody who goes to a fast food restaurant doesn't
16 sit down and eat in the restaurant.

17 And -- and in addition, this is as far as traffic
18 counts -- and in addition to that, Councilman Mundell
19 raised a very good point, which a lot of the business
20 -- a lot of the takeout business is people who were
21 placing orders through Uber Eats and other online
22 ordering systems.

23 So if you've got -- you know, I mean, how many
24 people are going to -- how many drivers -- how many
25 Uber Eats drivers are going to be -- and other -- I

1 don't just mean them, they're -- they're other
2 companies that do that service, too -- how many -- how
3 many of those drivers are going to be pulling up
4 either picking up at the, uh, pickup window, or would
5 they be picking up [inaudible]?

6 I don't -- would -- would they all -- would they
7 be sharing the pickup window with people ordering from
8 the app? Will they be ordering from the app or would
9 they be going inside?

10 But I -- but, um, those are just some concerns
11 about traffic counts and are including people who go
12 inside for takeout and, um, uh, order -- people
13 ordering to be -- food to be picked up and delivered
14 by third parties, um, I think we need to consider
15 those, too.

16 MR. CORAK: Right. Right. So with respect to
17 those traffic volumes, um, of course, there's the in-
18 app ordering, um, offered by the restaurants
19 themselves, there's third party apps, whether that's,
20 uh, Uber Eats and the like, DoorDash. Um, and of
21 course, there are your traditional walk-in and either
22 dine in at the restaurant or order and take out.

23 Um, and -- and I think what's important to
24 consider is that, as these new technologies have --
25 have evolved and as -- you know, there's -- there's

1 new ways to place your order and pick up your order.
2 It doesn't necessarily generate a whole new market
3 sector that was previously coming to the site.

4 What it has done is provide added convenience for
5 the existing market sector, and so, you know, those
6 demand values generally hold the same regardless of
7 who is coming to and from the site. Right? You --
8 maybe in the past, you went to Wendy's to place your
9 order and now you've ordered that on DoorDash. It's
10 still the same one vehicle, you know, traveling to the
11 site.

12 Um, but this time, you know, they're able to make
13 that -- that pickup very quickly, using -- using the
14 pickup window.

15 MR. LAQUAGLIA: Councilman, is that suffice for
16 you for now?

17 MR. ROCKWELL: Yes.

18 MR. LAQUAGLIA: Thank you, sir.

19 MR. RUBIN: May I say something if I may? Michael
20 Rubin, if I may.

21 MR. LAQUAGLIA: Yeah, Mike. Yeah.

22 MR. RUBIN: Um, just -- Mr. Joseph, I think
23 there's been a lot of operational questions that have
24 arisen tonight.

25 And perhaps, um, it would be helpful if, uh, a

1 representative of the operator could come and -- and
2 testify to some of things and explain how, um, we --
3 this site's going to really operate, particularly with
4 respect to, um, ordering in advance.

5 One of the things that I heard, uh, from Mr.
6 Leber, I thought was that when people order on the
7 app, they can pull into the site, let them know
8 they're there, and then the food will be made.

9 Now, I understand these are fast food places, but
10 if that's what I heard correctly and that's what my
11 notes reflect, and maybe I misheard that, that would
12 seem to take as long as if you park, walk in, and --
13 and ordered your food.

14 So I -- I think we really need to understand how
15 this operation is going to work. I mean, it's
16 [inaudible] and a half, um, and you pay in advance, I
17 would think that they would make the food right away.
18 But then again, they don't want it to be cold.

19 So I think we need to understand how long people
20 who -- who -- who will order on an app will be onsite
21 before they actually can pick up their food. And that
22 goes to Mr. Phillips concerns, I believe.

23 MR. JOSEPH: U- -- un -- understood. All
24 reasonable questions. Um, I -- I don't recall
25 specifically the testimony that -- that you're

1 discussing, but it -- it's been a very long night
2 already.

3 We do have, uh, representatives from ownership
4 that is on this call. It's -- it's already 10:40
5 already. I understand we're -- we're going to be
6 adjourning for the evening, but the same --

7 MR. LAQUAGLIA: We will be adjourning shortly,
8 Mr. Joseph.

9 MR. JOSEPH: Shortly, but the same representative
10 will be on the next call as well. [Inaudible].

11 MR. RUBIN: I didn't know whether you plan on
12 calling someone who could describe the operations. But
13 I think the questions that have arisen tonight, uh, it
14 would be helpful if we had such testimony.

15 MR. JOSEPH: I agree. I agree. Absolutely.

16 MR. LAQUAGLIA: Good point, Mr. Rubin. Uh,
17 Councilman, are you raising your hand again?

18 MR. ROCKWELL: Yes. O- -- one of the other, uh,
19 questions relays operations that came up that we'd
20 like to address, too is the delivery of foods, do --
21 does the same truck deliver food to Taco Bell and
22 Wendy's or they're two separate deliveries? One for
23 Wendy and one for Tac- -- Wendy's and one for Taco
24 Bell.

25 And they're also some other -- I don't know if

1 there are other questions about separation between the
2 restaurants or things handled differently or are they
3 handled the same? Th- -- that's another operations
4 question. Thanks.

5 MR. JOSEPH: Understood -- good points. Thank
6 you.

7 MR. LAQUAGLIA: That will be addressed in the
8 future, correct, Mr. Joseph? And --

9 MR. JOSEPH: Yes. Yes.

10 MR. LAQUAGLIA: Um, Mr. Babula, is -- is your
11 hand raised? I see something I [inaudible].

12 MR. BABULA: Y- -- y- -- yes there is. Just to
13 piggyback on the concerns and discussion in regarding
14 the mobile app and the mobile spaces, etc., so perhaps
15 it maybe be proprietary information, but perhaps it
16 would be helpful just to get sense for the mix of the
17 takeout business that is ordered through the mobile
18 app versus people who actually walk into the store to
19 order onsite as, you know, Councilman Rockwell raised.

20 And within the mobile app, what is the mix or
21 ordering between, you know, DoorDash drivers and just
22 regular people?

23 I would think that might help give us a sense
24 for, you know, what those ratios are in terms of what
25 the expected PDYM is of people vying, you know, for

1 these mobile spaces or waiting for orders to be
2 completed at the pickup window, or having to go inside
3 and order, which is obviously going to take more time
4 and they're going to be taking up, uh, uh, space.

5 And I think the general thing here is, again,
6 [inaudible] our lingering concern as to whether
7 there's going to be adequate parking onsite during
8 peak periods for the people dunning onsite but also
9 the people who are taking out orders, whether they're
10 going inside or, um, sitting there, you know, with
11 their mobile app, waiting for the order to pick it up.

12 So if we could have that information in some
13 form, I think that may be, you know, helpful for us.

14 MR. LAQUAGLIA: Thank you, Mr. Babula.

15 MR. RUBIN: I- -- if I could, to piggyback again
16 on Mr. Babula, I -- I think that what -- what -- what
17 follows from that is, um, whether or not the board is
18 sufficiently satisfied with the data that two sides
19 will attract no greater volume of traffic and -- or --
20 or two stores will attract no greater volume than one.

21 I -- I -- I think that that is a fundamental
22 question. And I think that there's been sort of some
23 testimony about that, that that's not really what it
24 appears to be.

25 But I'm not sure that we have hard and fast data

1 on that. If we do, I -- I -- I think it would need to
2 be repeated because I don't think I have it in my
3 notes on that.

4 And I don't know whether that kind of information
5 is available locally, within the state, within the
6 region, nationally. But if it exists, I think it
7 should come forward.

8 MR. LAQUAGLIA: I think that's a very good point,
9 Mr. Rubin. And in that case, w- -- with one restaurant
10 rather than two, you'd have less employees, I would
11 think. But again, I don't know how to run a fast food
12 restaurant.

13 But aside from that, Mr. Intindola, did you have
14 any questions for Mr. Corak? Because I think your
15 testimony, we should do it at a future time when we
16 have more information. But is there anything -- or
17 anything you want to add as far as what we'd like to
18 see at this future meeting?

19 MR. INTINDOLA: Just, uh, some pragmatic, uh,
20 suggestions based on what we've heard tonight. Is that
21 the, uh -- where they're planning to install the EV-
22 Ready spaces, just make that whole row EV-Ready, which
23 is the row against the -- the doc- -- the eye doctors.

24 And then backfill from Broad Street on, EV1, EV2,
25 come from Broad Street. And -- so then the EV spaces

1 are not where the prime spaces are for the pickup
2 window.

3 MR. LAQUAGLIA: So yo- -- you want to increase
4 the number of the EV spaces?

5 MR. INTINDOLA: No. No. Uh, well, over time,
6 there may be need for more EV spaces.

7 MR. LAQUAGLIA: Oh, I see. Okay. Yeah.

8 MR. INTINDOLA: So if you were to, uh, wire it,
9 don't terminate the wiring, uh, at that space. Just
10 run it out to Broad Street along those, I'll call it
11 the, uh -- in my mind I call it the Easterly spaces,
12 uh, next to eye doctor's.

13 And then make space one against Broad Street the
14 EV space, because that should have a little less
15 turno- -- turnover.

16 Say for instance, if the manager has a EV card,
17 then he could park and charge. And he doesn't move
18 along. And that would, uh --

19 MR. JOHNSON: Mr. Intindola, were you sworn in?

20 MR. INTINDOLA: No, sir.

21 MR. LAQUAGLIA: Oh, shit. Uh, Amanda, would you
22 swear in Mr. Insta- --

23 MR. JOHNSON: Uh, I think that we should --

24 MR. INTINDOLA: Thanks.

25 MR. LAQUAGLIA: Let's swear him in. My mistake.

1 You're muted. Amanda, you're muted.

2 MS. WATERS: I'm sorry. Do you swear that the
3 testimony you are about to give is the truth, the
4 whole truth, and nothing but the truth?

5 MR. INTINDOLA: I so swear, for the record.

6 MS. WATERS: Okay. Please state your first and
7 last name for the record.

8 MR. INTINDOLA: Ryan, Intindola, I-n-t-i-n-d-o-l-
9 i.

10 MS. WATERS: Thank you.

11 MR. INTINDOLA: Some, uh, brief practical
12 suggestions with the whole row, uh, of parking, EV-
13 Ready, it could be wired for it and then you start
14 with the adjacent Broad Street space as your EV space.
15 So then your premium spaces at the pickup windows can
16 churn more, which I think what the board was
17 suggesting.

18 So you get -- you get a two for one on that, a
19 space that turns over less up against Broad Street,
20 and, uh, freeing up the space for pickup, uh, then.

21 And, you know, in general terms, uh, this is a --
22 what the board is reviewing is a --

23 MR. RUBIN: Uh, Ryan, I don't think we're ready
24 for your testimony. [Inaudible] is really looking for
25 any suggestions you may have for --

1 MR. INTINDOLA: Can I make one suggestion?

2 MR. RUBIN: -- them to consider at the next
3 meeting.

4 MR. INTINDOLA: That was one suggestion. And
5 then, uh, for, uh -- there was data for a similar
6 line-using [ph] lane, and that could re-brought up at
7 the next, uh, hearing, for two, uh, res- -- two
8 tentative restaurant o- -- operation.

9 Uh, we -- we look for one that was up on Hamburg
10 Turnpike and the applicant did count it. And that
11 could be, uh, put to the forefront in the next
12 hearing. That's all I have for now.

13 MR. LAQUAGLIA: Thank you, Mr. Intindola. A- --
14 a- -- and Mr. Corak and Mr. Intindola, you will work
15 together. Correct, gentlemen? You've done that before.

16 MR. INTINDOLA: Yes.

17 MR. CORAK: Of course.

18 MR. LAQUAGLIA: Uh, and I think on my own
19 personal view, the safety, uh, co- -- concerning the
20 fire department in case of an emergency, what would
21 happen. Uh, I think we need something said, uh, more
22 in-depth about that because that is a big concern of
23 mine.

24 Um, if all of course was brought up, worst case
25 scenario, school is getting out, God forbid there is a

1 fire, what happens? And there's a rush at Wendy's or
2 Taco Bell. That's something we could discuss at a
3 future date.

4 That said, um, Mr. Joseph, I -- l- -- let me pull
5 the board. Uh, possibly, we're continue with a special
6 meeting for this, because our agenda for October is
7 fairly full. Um, to -- well, let me ask, Mr. Intindola
8 and Mr. Corak, how long you think this would take on
9 your end?

10 MR. CORAK: Uh, I think from our end it would
11 just be a -- a collaborative conversation with the
12 Stonefield team.

13 And then, um, it's really on their timetable.
14 There -- they would be on the critical path for any
15 new data if needed.

16 MR. MARUCCI: Can -- can we just ask that -- that
17 new floor plan be circulated, submitted to -- to the
18 board sector and circulated that are legible?

19 MR. JOHNSON: Do you want, um, paper as well?

20 MR. MARUCCI: Yeah. The -- the large paper ones
21 that are legible.

22 MR. LAQUAGLIA: Yeah.

23 MR. JOHNSON: Absolutely.

24 MR. LAQUAGLIA: Very important Mr. Marucci gets
25 clear plans. That's --

1 MR. JOHNSON: Ab- --

2 MR. MARUCCI: Yeah. Because -- so he -- you
3 know, so we can all verify. And I expect Mr. Babula,
4 we wanted those with, uh --

5 MR. LAQUAGLIA: Yeah. Mr. Babula also.

6 MR. MARUCCI: -- the ruler out there, making
7 sure that -- that -- that, you know, the numbers jive.

8 MR. JOHNSON: Ab- -- Absolutely.

9 MR. MARUCCI: So it would be helpful if we can
10 all see that and have delineations on the front and
11 the back of the shop as Mr. Babula asked for, which
12 don't exist on the most recent plans. That would be
13 really helpful as well.

14 MR. CORAK: Sure. Uh, do we need to open to the
15 public for the testimony that was already taken, or
16 are we carrying everything until the next hearing just
17 preserve the record?

18 MR. LAQUAGLIA: Uh, what you think, Mr. Rubin?

19 MR. CORAK: [Inaudible] for the council.

20 MR. RUBIN: Well, I mean, I think that Mr. -- I
21 think Mr. Corak can come back and butches up his
22 testimony a little bit. So I think we can wait for the
23 public at that point.

24 MR. CORAK: Understood. Understood. Right.

25 MR. RUBIN: I don't have a problem with that

1 unless there's someone from the public who feels they
2 need to be heard immediately, uh, they can raise their
3 hand now, but, uh, I think that since Mr. Corak has
4 more work to do, perhaps we can wait until he
5 finishes.

6 MR. LAQUAGLIA: It might be better because
7 whatever changes are tweaking, that might answer their
8 question before it's asked at that point. But --

9 MR. CORAK: Understood.

10 MR. LAQUAGLIA: -- is there anyone on -- on --
11 anyone raising their hand, Amanda, from the public?

12 MS. WATERS: Nope. I don't see anyone.

13 MR. LAQUAGLIA: Okay. So at that point -- um,
14 again, Mr. Corak, how long do you think it would be
15 before you're ready for us again?

16 MR. CORAK: Um, usually this sort of process will
17 take a couple weeks then we have to -- to factor in
18 the -- the 10-day de- -- deadline. So --

19 MR. LAQUAGLIA: Give me rough idea. Three weeks?
20 Four weeks?

21 MR. CORAK: Ca- -- call it -- call it four weeks.

22 MR. LAQUAGLIA: Four weeks.

23 MR. CORAK: [Inaudible].

24 MR. LAQUAGLIA: Amanda, do you have a calendar?

25 MS. WATERS: Uh, yes.

1 MR. LAQUAGLIA: When --

2 MS. WATERS: So --

3 MS. MUNDELL: October 11th.

4 MS. WATERS: -- we're at, uh, October the 11th.

5 MR. LAQUAGLIA: Is that next meeting, correct?

6 MS. WATERS: Yes. That's the next meeting, but --

7 MR. LAQUAGLIA: So --

8 MS. WATERS: -- but that's not four weeks.

9 MR. RUBIN: The 25th.

10 MR. LAQUAGLIA: No. Well it's not -- well, we
11 can't fit him in there. I want a special meeting for
12 them. I'm going to run it by the board.

13 MR. RUBIN: The 25th, Mr. Chairman. It's the Tue-
14 -- the last Tuesday of October.

15 MR. LAQUAGLIA: October 25th. Okay, board
16 members, is everyone available for a meeting on
17 October the 25th to continue this application? Is
18 anybody not available?

19 Raise your hand now, please. Councilman, you're
20 not available?

21 MR. ROCKWELL: I am not available.

22 MR. LAQUAGLIA: Councilwoman, you're not --

23 MR. BABULA: Mr. Babula is not available either.

24 MR. LAQUAGLIA: -- available either?

25 MR. BABULA: I've got something else going on

1 that night.

2 MR. LAQUAGLIA: Something else going on that
3 night?

4 MR. BABULA: Yeah.

5 MR. RUBIN: And so is Council Mundell. So we got
6 to find something different.

7 MR. LAQUAGLIA: Then we have to find another date
8 then. Um, 20 -- w- -- what would be the 18th, would be
9 the, uh --

10 MR. RUBIN: The 18th would be the previous
11 Tuesday.

12 MS. WATERS: It would be -- so the 18th is the
13 previous Tuesday. The next Tuesday after the 25th is
14 the first of November.

15 MR. BABULA: I'm not available for the 18th. Why
16 don't we try for the first. I mean, that's a week out.

17 MR. LAQUAGLIA: November 1st? Councilwoman, are
18 you free November 1st?

19 MS. MUNDELL: I have another committee member --
20 a committee meeting that night for the town.

21 MR. LAQUAGLIA: [Inaudible]. Uh, okay. What about
22 -- you know what --

23 MR. RUBIN: What about Wednesday?

24 MR. LAQUAGLIA: -- we -- we don't have to go on
25 Tuesday. Correct, Mike?

1 MR. BABULA: Yeah.

2 MR. RUBIN: What -- what about Wednesday?

3 MR. LAQUAGLIA: What about Wednes- -- what would
4 be Wednesday? Would it be the 26th then?

5 MR. RUBIN: Yeah.

6 MS. WATERS: Wednes- -- Wednesday would be the -
7 - October the 26th or November the 2nd.

8 MR. LAQUAGLIA: October 26th, Wednesday, is
9 anybody not free? You're good, Councilman?

10 MR. ROCKWELL: Yes.

11 MR. LAQUAGLIA: Councilwoman, you're good? Mr.
12 Babula?

13 MR. BABULA: Uh, I can't commit right now. I'm
14 actually on vacation that week. I don't know if I'll
15 be available.

16 MR. RUBIN: Oh, wow.

17 MR. LAQUAGLIA: Oh, wow, vacations. Uh --

18 MR. RUBIN: October vacations.

19 MR. LAQUAGLIA: Yeah, it's pretty good.

20 MR. BABULA: I'm -- I'm not a hot weather guy, so
21 this is my time of year.

22 MR. LAQUAGLIA: Well, more than likely it's going
23 to be a Zoom meeting. Is it possible you could take
24 your computer with you, your laptop?

25 MR. BABULA: Um, I'll give you a tentative yes.

1 Uh --

2 MR. LAQUAGLIA: Okay. Good. Anybody else not
3 free?

4 MR. RUBIN: How about Mr. Phillips, to Mr.
5 Intindola.

6 MR. LAQUAGLIA: Well, I'm going to get to that.
7 Mr. Phillips, will you be free that night?

8 MR. PHILLIPS: I hate to through a --

9 MR. LAQUAGLIA: I guess that's a no. I -- I knew
10 that was coming.

11 MR. PHILLIPS: -- I would be better -- I would be
12 better on Saturday in November. I may have a conflict
13 on that. As of right now I have a conflict on the
14 26th. I may or may not be able to get out of it. I'm
15 free on the 2nd, if that matters.

16 MR. LAQUAGLIA: All right. Let's go to November
17 2nd. Councilwoman, are you free? Yes. Councilman,
18 you're free. Mr. Babula, you're free. Mr. Phillips,
19 you're free.

20 MR. PHILLIPS: Yes.

21 MR. LAQUAGLIA: Mr. Marucci? Okay. Uh, Mr.
22 Intindola, will be free that night?

23 MR. INTINDOLA: Yes.

24 MR. LAQUAGLIA: Any board member not free? It
25 looks good so far. Mr. Corak, you will be ready by

1 then, so --

2 MR. CORAK: Mm-hmm.

3 MR. LAQUAGLIA: -- I forgot, what was the date,
4 November 2nd?

5 MS. WATERS: November the 2nd.

6 MR. LAQUAGLIA: That's a Wednesday. Correct?

7 MS. WATERS: Correct.

8 MR. LAQUAGLIA: Are all good for that? So, Mr.
9 Joseph, you relieve us -- relieve us of all time
10 constraints. Correct, sir?

11 MR. JOSEPH: Correct. Um, correct. My --

12 MR. LAQUAGLIA: Do we have -- do we have to
13 notice, Mike?

14 MR. RUBIN: No.

15 MR. LAQUAGLIA: They shouldn't be noticed,
16 correct? Right. Okay.

17 MR. RUBIN: Uh, Mr. Joseph --

18 MR. JOSEPH: Mr. Chairman, do you want to put a
19 time to it?

20 MR. LAQUAGLIA: Well, is 6:30 good again, this
21 way we don't go too late into the night?

22 MR. JOSEPH: Just ask him.

23 MR. LAQUAGLIA: Mr. Council, are you okay -- are
24 your experts all available at night?

25 MR. CORAK: So, uh, my experts are available

1 except for my civil engineer.

2 MR. LAQUAGLIA: [Inaudible].

3 MR. BABULA: [Inaudible].

4 MR. LAQUAGLIA: Mr. Leber, right?

5 MR. CORAK: Mr. Leber. Correct. We've already
6 taken his, uh -- his testimony.

7 MR. LAQUAGLIA: We have his testimony already. So

8 --

9 MR. CORAK: Correct.

10 MR. LAQUAGLIA: -- that should be okay. And
11 you'll have someone from the business there, correct,
12 Mr. Joseph?

13 MR. JOSEPH: Correct. The same gentleman that's
14 here tonight will be there.

15 MR. LAQUAGLIA: [Inaudible]. Uh, board, are we
16 good, November the 2nd, Wednesday 6:30 good, board?
17 This way hopefully we'll get out -- some of us aren't
18 as young as the others on this board, so, um, we're
19 good.

20 All right. So, can I have a motion then to
21 adjourn this application until November the 2nd,
22 Wednesday at 6:30? Can I have a motion for that?

23 MS. MUNDELL: Motion.

24 MR. LAQUAGLIA: Councilwoman. Second?

25 MR. BABULA: Second.

1 MS. RICHARDSON: Second.

2 MR. LAQUAGLIA: Who was that, Mr. Babula? Okay --

3 MR. BABULA: Okay. You call everyone, Amanda?

4 MS. WATERS: Okay. Mr. Lasek.

5 MR. LASEK: Yes.

6 MS. WATERS: Councilman Rockwell.

7 MR. ROCKWELL: Yes.

8 MS. WATERS: Councilman -- Councilman --

9 Councilwoman Mundell.

10 MS. MUNDELL: Yeah.

11 MS. WATERS: Uh, Ms. Richardson.

12 MS. RICHARDSON: Yes.

13 MS. WATERS: Mr. Babula.

14 MR. BABULA: Yes.

15 MS. WATERS: Mr. -- Mr. Harvey?

16 MR. HARVEY: Yes.

17 MS. WATERS: Mr. Farnsworth.

18 MR. FARNSWORTH: Yes.

19 MS. WATERS: Chairman Laquaglia.

20 MR. LAQUAGLIA: Yes. So moved. Mr. Joseph, we

21 will see you November the 2nd at 6:30.

22 MR. JOSEPH: I look forward to seeing you then.

23 Thank you so much.

24 MR. LAQUAGLIA: Thank you, sir. Thank you. And

25 thank your experts.

1 MR. JOSEPH: Thank you.

2 MR. LAQUAGLIA: Board, before we leave, I was
3 going to bring up about coming in-person, but I think
4 we're going to wait till the rest of the board members
5 are here. I know Ms. Duzitka [ph] has health issues.

6 And I believe Dr. Hill just had knee surgery, uh,
7 possibly a replacement, so she might not be too crazy
8 about coming in.

9 But we'll discuss it -- at the October meeting,
10 we'll bring it up and we'll discuss it at that time.

11 Uh, that being said, is there anything else from
12 anybody? If not, can I have a motion to adjourn?

13 MS. MUNDELL: Motion.

14 MR. LAQUAGLIA: Check it. All in favor. Meeting
15 adjourned. See everybody October the 11th. That's our
16 regular meeting. Good night, everyone.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 209 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.



March 31, 2023

Chris Naaden

(Bloomfield Planning Board Special Meeting, 9-27-22)

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