

MEETING OF PLANNING BOARD TOWNSHIP OF BLOOMFIELD
Meeting

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Transcription of Meeting
Special Meeting of Planning Board
Township of Bloomfield
Wednesday, November 2, 2022
Audio Runtime: 3:41:05

1 (Beginning of Video Recording.)

2 ALAN LAQUAGLIA: We're ready to go?

3 AMANDA WATERS: Ready to go.

4 ALAN LAQUAGLIA: Okay. Special meeting
5 of the Planning Board of the township of
6 Bloomfield, Wednesday, November the 2nd, 2022,
7 is now in session. Notice of the time, date,
8 location, and agenda of this meeting, to the
9 extent then known, was provided at least 48
10 hours prior to the commencement of this
11 meeting in the following manner, pursuant to
12 the provisions of Chapter 231 of the Law of
13 1975, the Open Public Meeting Act.

14 One by posting such notice on the
15 bulletin board in the municipal building and
16 two by mailing such notices to the offices of
17 the Independent Press, Bloomfield Life, and
18 Star-Ledger. Please stand for a salute to the
19 flag.

20 Pledge allegiance to the flag of the
21 United States of America and to the Republic
22 for which it stands, one nation under God,
23 indivisible, with liberty and justice for all.
24 Amanda, please take the roll.

25 AMANDA WATERS: Mr. Zitka.

1 JOHN ZITKA: Here.

2 AMANDA WATERS: Councilman Rockwell.

3 RICH ROCKWELL: Here.

4 AMANDA WATERS: Mr. Harvey.

5 ZEKE HARVEY: Here.

6 AMANDA WATERS: Councilwoman Mundell.

7 JENNY MUNDELL: Here.

8 AMANDA WATERS: Mr. Babula.

9 GREGORY BABULA: Here.

10 AMANDA WATERS: Mr. Lasek.

11 PAUL LASEK: Here.

12 AMANDA WATERS: Mr. Farnsworth.

13 ZACHARY FARNSWORTH: Here.

14 AMANDA WATERS: Chairman LaQuaglia.

15 ALAN LAQUAGLIA: Here. Okay. Did
16 everyone go over the proposed meeting dates
17 for 2023? Does anybody dispute any of the
18 dates?

19 GREGORY BABULA: I pointed out -

20 ALAN LAQUAGLIA: Mr. Babula.

21 GREGORY BABULA: Yeah. I pointed out
22 to - oh, wait. I'm invisible. I pointed out
23 to Amanda, I believe it was the December date
24 conflicts with the Historic Preservation
25 Commission meeting, which I have to chair.

1 And Councilman Rockwell is our liaison. He
2 usually attends those meetings. So I think
3 that date is going to be problematic.

4 ALAN LAQUAGLIA: Did we change that,
5 Amanda?

6 AMANDA WATERS: So it's - it's the
7 November 21st date.

8 ALAN LAQUAGLIA: Is that the correct
9 date, Greg?

10 GREGORY BABULA: Let me double check
11 here, I'm looking.

12 AMANDA WATERS: It's the November 21st.
13 You want me to look for something on -

14 GREGORY BABULA: Yeah. Because
15 we - the HPC meetings are always on the third
16 Tuesday of each month. And so, yes, the 21st
17 would be a conflict.

18 ALAN LAQUAGLIA: What about the 14th?
19 There's something conflicting with that?

20 GREGORY BABULA: Not yet.

21 ALAN LAQUAGLIA: Anybody? Amanda, does
22 that look clear on the calendar?

23 AMANDA WATERS: So the 14th is clear.
24 I don't see anything. But, you know, I also
25 don't have the township's holiday schedule

1 or - I don't think anything is falling on that
2 day. They're all still pretty close to each
3 other each year. So you want to move it to
4 the 14th?

5 ALAN LAQUAGLIA: Let's move it to the
6 14th then. And you'll send everyone a revised
7 copy tomorrow then, please, Amanda?

8 JENNY MUNDELL: All right. I'm sorry.
9 Can you hear me?

10 JENNY MUNDELL: Me?

11 ALAN LAQUAGLIA: Yes, Councilwoman.

12 JENNY MUNDELL: So that's generally the
13 week of the New Jersey League of
14 Municipalities in which you will lose a lot of
15 access to staff that may need to be on the
16 call, so.

17 ALAN LAQUAGLIA: Okay. Can we vote on
18 this in next meeting? Mike, that's all right,
19 isn't it? Yeah. All right. So let's just
20 push this off to the next meeting. Amanda,
21 send that out a revised copy, and everybody
22 check, and we'll take a vote on it at the next
23 meeting then.

24 AMANDA WATERS: Okay.

25 ALAN LAQUAGLIA: Okay. And then we

1 have the minutes of 9/27/22 and 10/11/2022.
2 Are there any comments? We want anybody. Mr.
3 Zitka, you got to speak up, John. We could
4 barely hear you.

5 JOHN ZITKA: On the October 11th
6 meeting. Hold on. Go this way. Okay. On
7 the October 11th meeting on the Application of
8 Royal Urban Renewal LLC. You recused yourself
9 from that application? It's not reflected in
10 the minutes.

11 ALAN LAQUAGLIA: Can you amend that,
12 Amanda, please?

13 AMANDA WATERS: I can't. I didn't hear
14 what he said.

15 ALAN LAQUAGLIA: I recused myself from
16 the royal - the 11th meeting. The application
17 for Royal when I recused myself. Could you
18 put that onto the minutes also, please?

19 AMANDA WATERS: Yeah. Okay.

20 ALAN LAQUAGLIA: Okay. Anybody else?
21 Any discussion of the minutes? Any questions
22 on the minutes? If not, can I have a motion
23 to approve the minutes?

24 JOHN ZITKA: I make the motion to
25 approve the minutes.

1 ALAN LAQUAGLIA: Mr. Zitka. Second?

2 Mr. Babula. All in favor?

3 JOHN ZITKA: Aye.

4 PAUL LASEK: Aye.

5 ALAN LAQUAGLIA: Opposed? None. Okay.

6 You just send that out, too, Amanda?

7 AMANDA WATERS: Yes.

8 ALAN LAQUAGLIA: All right. And we
9 have a resolution. Amanda, would you read the
10 resolutions in, please.

11 AMANDA WATERS: Resolution of the
12 township of Bloomfield Planning Board.
13 Resolution in the matter of the application of
14 Royal Urban Renewal, LLC, as applicant and
15 owner and the township of Bloomfield as owner
16 for amended final site plan approval
17 permitting modifications to a previously
18 approved and under construction mixed use
19 project which will result in 14 single family
20 townhouses and 6 to 8 story building - 6 to 8
21 story building with 199 apartment units and
22 7170 square feet of ground floor retail space,
23 wrapping a three-story parking garage with
24 311 - 311 parking spaces at property located
25 at 81-85 and 55A Washington Street, 610 to

1 612, 616 and 622 Bloomfield Avenue, 10 to 18
2 Ward Street, and 7 Foron (phonetic) Street
3 Block 227 Lots 12 and 24.

4 ALAN LAQUAGLIA: Any questions, Board?
5 If not, can I have a motion to approve the
6 resolution?

7 JOHN ZITKA: I'll make that motion to
8 approve the resolution.

9 ALAN LAQUAGLIA: Mr. Zitka. Second?

10 JENNY MUNDELL: I'll second.

11 ALAN LAQUAGLIA: Councilwoman Mundell.

12 Amanda, take a vote.

13 AMANDA WATERS: Mr. Babula?

14 GREGORY BABULA: No, because I did not
15 have an opportunity to review it.

16 AMANDA WATERS: Mr. Farnsworth.

17 ZACHARY FARNSWORTH: Yes.

18 AMANDA WATERS: Mr. Harvey.

19 ZEKE HARVEY: Yes.

20 AMANDA WATERS: Mr. Lasek?

21 PAUL LASEK: Yes.

22 AMANDA WATERS: Councilwoman Mundell.

23 JENNY MUNDELL: Yes.

24 AMANDA WATERS: Councilman Rockwell?

25 RICH ROCKWELL: Yes.

1 AMANDA WATERS: Mr. Zitka?

2 JOHN ZITKA: Yes.

3 ALAN LAQUAGLIA: So moved. Thank you,
4 Amanda.

5 AMANDA WATERS: You're welcome.

6 ALAN LAQUAGLIA: Is Ms. Richardson here
7 yet, Amanda?

8 AMANDA WATERS: I don't see her.

9 ALAN LAQUAGLIA: Okay. Well, I guess
10 we're going to have to start where - she was
11 at the last meeting, though, correct?

12 AMANDA WATERS: Yes.

13 ALAN LAQUAGLIA: Yeah, she was here. I
14 really don't want to start this without her
15 because then she'll have to catch up. But can
16 you give her a quick call on her cell phone,
17 please, Amanda? If you have it.

18 AMANDA WATERS: Okay. Thank you. Hi.
19 It's Amanda. It's Amanda at the planning and
20 Zoning board.

21 ALAN LAQUAGLIA: Mute yourself, Amanda.

22 AMANDA WATERS: I understand. Okay.
23 Okay. Will do. Yes. Thank you. All righty.
24 Bye-bye. She's in another meeting, but she
25 said she'll join soon.

1 ALAN LAQUAGLIA: All right. Well,
2 we're going to have to go ahead, though, I
3 think so. She'll have to - all right. Next
4 order of business. Actually, old business.
5 Application. Applicant Owner Famous
6 Bloomfield Holdings, LLC Application
7 Preliminary and final major site plan
8 approval, both variances and any such other
9 relief as may be required from the zoning
10 ordinance to develop a restaurant in a
11 neighborhood business B2 Zone, commonly known
12 as 1243 Broad Street, Block 1088, Lot 59, Zone
13 B-2.

14 And before we start, we have the fire
15 inspector. I saw him here before.

16 AMANDA WATERS: He's here.

17 ALAN LAQUAGLIA: Chief Colavitti, could
18 you give us your opinion of this as our fire
19 expert on this?

20 MICHAEL RUBIN: We need to swear him in
21 and we need to identify him for the record.

22 AMANDA WATERS: Okay. Can you raise
23 your right hand, Vincent? Okay. Do you swear
24 that the testimony you are about to give is
25 the truth, the whole truth, and nothing but

1 the truth?

2 VINCINT COLAVITTI: Yes, I do.

3 AMANDA WATERS: Okay. Please state
4 your first and last name for the record.

5 VINCINT COLAVITTI: Vincent Colavitti,
6 Jr. I'm the fire official for the Bloomfield
7 Fire Department.

8 AMANDA WATERS: Thank you.

9 MICHAEL RUBIN: Mr. Colavitti, before
10 you begin, I just want to state for the
11 record, Mr. Joseph. Mr. Colavitti was someone
12 that, you know, we feel we might get a written
13 report from, but instead he is here in person
14 and has to leave. So that's why we're taking
15 him out of turn just to get his thoughts on
16 the record so that everyone can hear them and
17 if there's any adjustments that need to be
18 made accordingly, we will have that
19 information. Okay?

20 STEPHEN JOSEPH: Understood. Steven
21 Joseph, Castano Quigley Cherami, for the
22 record, obviously no objection to that.

23 ALAN LAQUAGLIA: Thank you. Okay,
24 Colavitti, can you give us your opinion of
25 this whole application here? Are there any

1 problems here as far as the fire department?

2 VINCINT COLAVITTI: There is some
3 concern with the turning radiuses for the
4 apparatus off of Broad Street into the
5 complex. We need to make sure that the curb
6 cuts are at a specific angle, which is usually
7 45 degree. So the apparatus don't drive over
8 the curb and sidewalks and potentially cause
9 damage and/or strike a party that could be
10 standing on the sidewalk.

11 We also need to make sure that the
12 driveways and parking lot is sufficient to
13 withstand 80,000 pounds, which is roughly what
14 our aerial apparatus is when the jacks are
15 down and the aerial is up, putting that extra
16 force down on the roadway.

17 Got to make sure the road grade is a
18 decent as in level, but I'm also concerned
19 with access due to traffic backing up,
20 especially since there are markings already on
21 the road with the current set up in front of
22 Station 4 that indicate that not to block
23 the - the entrance to the firehouse. But this
24 will cause even more delay in traffic, pulling
25 in and out of that location to back up traffic

1 and possibly block the front of the firehouse,
2 increasing response times.

3 ALAN LAQUAGLIA: That sounds like a
4 safety issue, Chief, is that?

5 VINCINT COLAVITTI: Yes. It is
6 definitely a safety issue. I would also
7 recommend, because of the type of structure
8 and eatery and the type of clientele in the
9 sense are usually people that are just moving
10 in and out transient that this building should
11 be sprinklered and have a monitored fire alarm
12 system with it, which will help protect the
13 people, the - the customers, along with the
14 building itself.

15 ALAN LAQUAGLIA: Okay. Anything else,
16 Chief?

17 VINCINT COLAVITTI: At this point,
18 that's the - that's the most I can give right
19 now from what I see and what I have. But my
20 biggest concerns are I would recommend the
21 sprinkler system and then also the traffic
22 study pertaining to the potential backup of
23 additional vehicles there. I mean, we get
24 traffic there now and that property isn't
25 functioning right now, especially during

1 school time and especially 3:00 in the
2 afternoon when school's letting out. It could
3 create a substantial traffic concern in front
4 of the fire station, increasing response
5 times.

6 ALAN LAQUAGLIA: Any questions for our
7 fire Inspector Colavitti, Board. Anybody.
8 Mr. Joseph, do you have a question for
9 Inspector Colavitti?

10 STEPHEN JOSEPH: I think -

11 ALAN LAQUAGLIA: Are you hearing us,
12 Mr. Joseph, I hear you're holding your ear.
13 Is that -

14 STEPHEN JOSEPH: Oh, no, I'm sorry.
15 I'm just - I'm leaning on the desk. I
16 apologize.

17 ALAN LAQUAGLIA: No problem. I just
18 wanted to make sure you could hear us.

19 STEPHEN JOSEPH: Yeah, I mean, I think
20 our - I think our engineer might have
21 some - some questions just to make sure
22 we're - we're understanding correctly if - if
23 the board would be okay with, with our
24 engineer.

25 ALAN LAQUAGLIA: If he's here, swear

1 him in, and then we could continue.

2 STEPHEN JOSEPH: So if we have Mark.

3 ALAN LAQUAGLIA: Four minutes for us.

4 Amanda? I don't see. Who is it? Oh. Here
5 he is. Okay.

6 AMANDA WATERS: Who are you looking
7 for?

8 STEPHEN JOSEPH: We've go - yeah, East
9 Point engineering is his mark.

10 ALAN LAQUAGLIA: You have to swear him
11 in.

12 MICHAEL RUBIN: He testified
13 previously. That's Mark Leber, right?
14 Correct? L-E-B-E-R.

15 AMANDA WATERS: L-E-B-E-R. Yes.

16 ALAN LAQUAGLIA: It looks like.

17 MICHAEL RUBIN: If you can add your
18 name and instead of East Point engineering,
19 that would be helpful.

20 AMANDA WATERS: I'm going to change it.

21 MICHAEL RUBIN: But, Mr. Chairman, he
22 testified at the September meeting. So he's
23 still under oath.

24 ALAN LAQUAGLIA: He's still under oath
25 then. Okay, then, Mr. Leber, do you have

1 questions for our fire inspector, sir?

2 MARK LEBER: Yeah. Just good evening
3 again. I just wanted to touch base and see if
4 he had an opportunity to review the plans that
5 were submitted on the 18th of October.

6 VINCENT COLAVITTI: I'm looking at a
7 set of plans right now. The latest that were
8 delivered to me. So I don't see a stamp on
9 here. Well, the date on the plans say
10 11/12/2021.

11 MARK LEBER: 11/12.

12 VINCENT COLAVITTI: And then there's
13 another date. 10/6 of 2022. Would that be
14 your latest?

15 MARK LEBER: Yeah. So what we had done
16 at the last meeting, were you at the last
17 meeting?

18 VINCENT COLAVITTI: No, I was not, sir.

19 MARK LEBER: Okay. So we were provided
20 at the hearing a letter that was issued by
21 your office at the day of the hearing, and
22 there were four comments, I believe.

23 The - you know, the question about the truck
24 turning templates, we had submitted a truck
25 turning template showing a full size tractor

1 trailer going in and out of this property
2 which is in excess of the turning radius
3 required for fire apparatus.

4 But more importantly, we had indicated
5 at the last meeting that we had agreed that of
6 the four comments, none of them were of a
7 concern with regard to the function of the
8 sites.

9 Specifically, that evening we were
10 asked to change the angles of the entrance and
11 exit driveways, which actually makes the
12 turning radius easier and more flexible for
13 any kind of a vehicle that's articulated or,
14 you know, in excess of 30 feet. I just wanted
15 to see if you had a chance to look at that
16 plan to come to the same conclusion.

17 VINCENT COLAVITTI: I'm looking - I'm
18 looking at the plan. I see you cut the - the
19 intake, the entrance, and the exit are
20 now - you can only make the right turn, could
21 make a right turn in and the right turn out.
22 And you got the curves.

23 As long as they're at 45, they should
24 be able to pull in without being
25 able - without going over the curb. Okay. We

1 don't want to damage anything but the 45 - 45
2 degree angle at a minimum, will be
3 appropriate. Okay. Now, you got to remember,
4 the tractor trailer doesn't have an aerial
5 ladder sticking out over the front of it.

6 Understand what I mean? So there is
7 some concern with the turning when you pull
8 into the parking lot. I don't know what type
9 of lamps and stuff might be put in there,
10 which might hit the - the tip of the aerial.
11 So we got to make sure that - that's why I
12 forwarded a copy of the actual aerial
13 apparatus that'll be driving through there.

14 MARK LEBER: Yeah. I mean, if you look
15 back at the changes we made on the lighting
16 plan, none of the light fixtures project over
17 the parking lot. They're all on the outskirts
18 in the perimeter. You know, so there wouldn't
19 be any aerial things interfering with the
20 latter.

21 VINCENT COLAVITTI: Well, if you - if
22 the four items that were on that list, if
23 you're telling me that you met those, then I'm
24 okay with that because that that gives us
25 access as long as you meet those. I'm good

1 with that. Along with the weight. Okay.

2 MARK LEBER: The 80,000?

3 VINCENT COLAVITTI: Yes.

4 MARK LEBER: Yep, yep. That's a
5 standard comment that we do get throughout New
6 Jersey. I mean, in this case, the parking lot
7 cross section is going to be about a foot
8 thick.

9 VINCENT COLAVITTI: Okay.

10 MARK LEBER: But I just wanted to make
11 sure you had the latest drawings and you know,
12 that you didn't feel like we were trying to
13 not comply in any way.

14 VINCENT COLAVITTI: No. I don't - I
15 don't see that as an issue. Not trying to
16 comply. You know, everybody I've dealt with
17 in the past has seemed pretty straightforward
18 when it comes to these - these items.

19 MARK LEBER: And we are your neighbor,
20 so we want to be a good neighbor.

21 VINCENT COLAVITTI: Understandable.
22 But I'm still - I'm still recommending the
23 fire sprinklers.

24 MARK LEBER: I'm going to speak with
25 the architect, you know, tonight, he hasn't

1 testified yet on the application, so by the
2 time he's called to present the building
3 plans, I think we'll have an answer to that.

4 VINCENT COLAVITTI: Same thing with the
5 fire alarm system. They know they're going to
6 have to have a hood suppression system because
7 of the cooking devices that are going to be in
8 there, the deep fryers and stuff.

9 MARK LEBER: Yeah, I'm going to guess
10 that's probably a code issue, which everybody
11 has to do with the kitchen.

12 VINCENT COLAVITTI: Yep.

13 MARK LEBER: Okay. Very good. Just
14 wanted to jump in there, that's all.

15 ALAN LAQUAGLIA: All right. Thank you,
16 Inspector. Mr. Leber, Mr. Joseph, you all
17 agree you'll work with the fire inspector
18 regarding?

19 STEPHEN JOSEPH: Absolutely.

20 VINCENT COLAVITTI: The good thing is,
21 I'm also the fire sub code official. So when
22 the construction plans come in, I can take
23 care of that side too.

24 MARK LEBER: That is good.

25 VINCENT COLAVITTI: I see both sides of

1 the coin.

2 ALAN LAQUAGLIA: Yeah. We got
3 everything covered.

4 VINCENT COLAVITTI: Yep.

5 ALAN LAQUAGLIA: Okay. The Board, any
6 questions for the fire inspector? Mr. Babula,
7 are you raising your hand? Greg?

8 GREGORY BABULA: Excuse me. Yes. Just
9 wanted to ask Mr. Colavitti regarding to his
10 comment about the traffic backups. Are you
11 referring to traffic going northbound on Broad
12 Street at the light at West Passaic?

13 VINCENT COLAVITTI: Well, the light at
14 the Broad - where Broad Street makes the left
15 and goes towards Clifton, that backs up.

16 GREGORY BABULA: Does it ever back up
17 past the firehouse or up to the firehouse
18 driveway?

19 VINCENT COLAVITTI: Absolutely.

20 GREGORY BABULA: It does?

21 VINCENT COLAVITTI: Yes. Especially.-

22 GREGORY BABULA: Do you know what time
23 of day?

24 VINCENT COLAVITTI: Especially - yes.

25 School time. In the mornings and the

1 afternoon. Dismissal times and - and start a
2 school.

3 GREGORY BABULA: And does it - does it
4 ever actually block the firehouse driveway?

5 VINCENT COLAVITTI: They're not
6 supposed to. It's lined not to block the
7 firehouse to stop before it. But that doesn't
8 usually happen all the time. And it -

9 GREGORY BABULA: But it's happened
10 because people don't always obey signs and
11 don't always obey striping.

12 VINCENT COLAVITTI: Correct.

13 GREGORY BABULA: Okay.

14 VINCENT COLAVITTI: Correct.

15 GREGORY BABULA: I just wanted to
16 clarify that. Thank you.

17 VINCENT COLAVITTI: Yep. Yep. One
18 thing we can do maybe is add additional
19 striping and additional signage possibly to
20 help, but it's still going to be an issue
21 because people, you know, unless there's a
22 police officer there issuing summons,
23 it's - it's very hard to get compliance 100
24 percent of the time.

25 MARK LEBER: I totally understand. You

1 know, I imagine that the traffic backup is a,
2 you know, just a background issue that would
3 pertain to any proposal on this property,
4 regardless of the use. If the cars are not
5 obeying the box in front of the fire
6 department, then disobeying would not be
7 dependent on what's proposed on this lot.

8 ALAN LAQUAGLIA: All right. Any other
9 questions for our fire inspector, Board? I
10 see nobody. Amanda, anybody waving their hand
11 I can't pick up.

12 AMANDA WATERS: No.

13 ALAN LAQUAGLIA: No? Mike, that's not
14 open to the public, is he?

15 MICHAEL RUBIN: Yeah, he is. He's
16 another witness.

17 ALAN LAQUAGLIA: Any questions from the
18 public for the fire inspector? Only about his
19 testimony, though. You see anybody, Amanda?

20 AMANDA WATERS: No. But we have
21 somebody logged on as Nirav.

22 STEPHEN JOSEPH: That's - sorry to
23 interrupt. It's a representative from
24 ownership.

25 AMANDA WATERS: Oh, okay. Do we have a

1 first and last name?

2 STEPHEN JOSEPH: His first name is
3 Nirav. His last name - embarrassed I don't
4 know that off the top of my head. Mehta.
5 M-E-H-T-A.

6 AMANDA WATERS: Okay. Thank you.

7 ALAN LAQUAGLIA: Okay. So we have no
8 other further questions for the fire
9 inspector? One, two, three. We're done.
10 Thank you, Chief.

11 VINCENT COLAVITTI: Thank you very
12 much, everybody. Have a good evening.

13 STEPHEN JOSEPH: Thank you so much. We
14 appreciate the time.

15 VINCENT COLAVITTI: You're welcome.

16 ALAN LAQUAGLIA: Okay. Mr. Joseph.

17 STEPHEN JOSEPH: All right.

18 ALAN LAQUAGLIA: Who were you going to
19 put up next?

20 STEPHEN JOSEPH: So before we start
21 jumping into testimony, there was some
22 discussion off the record about plans and
23 materials that were provided, when they were
24 provided. I just wanted, as an administrative
25 matter, I think we should address that first

1 just to see what's going on.

2 My understanding and - and maybe we
3 could have some of the experts and some people
4 from the town address this as well, because I
5 believe the plans, the revised plans were
6 submitted on 10/18. A traffic report was
7 submitted on 10/21. And today there was an
8 Excel spreadsheet, like a one-page Excel
9 spreadsheet that contains some additional data
10 in the back and forth between the traffic
11 experts.

12 If - if that is not anyone's
13 understanding, I just want to be clear about
14 that now and just make sure everybody has the
15 most recent materials that were submitted.

16 ALAN LAQUAGLIA: Well, the one comment
17 I want to make to you is that the - our
18 traffic engineer, Mr. Intindola, really didn't
19 have time to study what was sent to him this
20 afternoon. You know, you have to give him
21 time to study these things so he can respond
22 to it.

23 STEPHEN JOSEPH: Understood. I'm not
24 100 percent clear myself what exactly was sent
25 this afternoon. So maybe we could bring up

1 our traffic engineer just to say a couple of
2 words about what - what that was and what the
3 data in there was, because there was a traffic
4 report that was submitted based on the board's
5 comments and questions at the prior hearing.
6 And that was submitted in -

7 MICHAEL RUBIN: Can I just step in for
8 a second?

9 STEPHEN JOSPEH: Yes.

10 MICHAEL RUBIN: The - the data - the
11 spreadsheet was not circulated to the Board.
12 It's just numbers on a page. It's an exhibit
13 that needs to be introduced tonight,
14 explained, and then both Mr. Intindola and Mr.
15 Phillips will need an opportunity, obviously,
16 to consider, you know, the significance of the
17 data, its credibility, and so forth.

18 So it seems to me that what makes sense
19 is for you to just proceed with your
20 witnesses, and we're not going to finish
21 tonight anyway because neither of our experts
22 are prepared to discuss this data and its
23 effect on the use of that property, until such
24 time as they understand it, which they can't
25 do until they hear testimony about it.

1 STEPHEN JOSEPH: Sure. Understood.

2 Aside from that Excel spreadsheet, I do just
3 want to confirm that the updated plans which
4 were referenced earlier and the - and the
5 traffic report were - were received by the
6 Board.

7 ALAN LAQUAGLIA: Anybody not receiving?

8 STEPHEN JOSEPH: Okay.

9 ALAN LAQUAGLIA: I don't see any
10 response, so I'm assuming everyone got it.
11 Except for what was said today.

12 STEPHEN JOSEPH: Except for what was
13 sent today. The Excel spreadsheet.

14 ALAN LAQUAGLIA: Yeah.

15 STEPHEN JOSEPH: Understood. Okay.

16 ALAN LAQUAGLIA: All right. So.

17 MICHAEL RUBIN: Okay.

18 ALAN LAQUAGLIA: I guess we're going to
19 have to put off the traffic and - to the next
20 meeting, Mike? Mike Rubin.

21 MICHAEL RUBIN: No. I think what - the
22 applicant should just go and - and proceed
23 with his case.

24 ALAN LAQUAGLIA: Okay.

25 MICHAEL RUBIN: He needs to put on a

1 traffic expert to explain the data and the
2 additional information. Mr. Clark did testify
3 at the last hearing, so he's still under oath.
4 And this additional information, as well as
5 the updated traffic report, needs to be put
6 into evidence and explained and discuss the
7 relevance of it.

8 And then if - if Mr. Joseph wants to
9 then proceed with any additional witnesses
10 tonight, he may, with the understanding that
11 the Board's experts are not going to be ready
12 tonight.

13 ALAN LAQUAGLIA: All right. So let's
14 continue as far as we can, Mr. Joseph. And
15 then we'll play it by ear.

16 STEPHEN JOSEPH: Sure. Absolutely.
17 All right.

18 ALAN LAQUAGLIA: We're here, so let's
19 do what we can do.

20 STEPHEN JOSEPH: Absolutely. So
21 let's - let's bring John up. And he will walk
22 through what was submitted on October 21st,
23 the traffic report. And after he talks about
24 that, we'll enter the Excel spreadsheet into
25 evidence. He'll say a few words on that, and

1 then we could play it by ear, but we'd like to
2 move on to architectural at that point.

3 ALAN LAQUAGLIA: He's still sworn in,
4 correct, Mike, for the record?

5 MICHAEL RUBIN: Yes. He is.

6 ALAN LAQUAGLIA: Okay. continue then,
7 sir.

8 JOHN CORAK: Thank you.

9 ALAN LAQUAGLIA: Just identify
10 yourself.

11 JOHN CORAK: Certainly. John Corak
12 with Stonefield Engineering and Design Traffic
13 engineer for the applicant.

14 ALAN LAQUAGLIA: Okay. Welcome.

15 JOHN CORAK: Thank you.

16 STEPHEN JOSEPH: So, John, we had that
17 last hearing. There were some comments and
18 questions. You prepared a revised report.
19 Why don't you tell us a little bit about that
20 revised report that was submitted on 10/21?

21 JOHN CORAK: Yes, certainly. So
22 obviously, coming out of the last hearing, I
23 did provide extensive traffic testimony. We
24 were left with a few outstanding questions to
25 address, you know, by the Board members. Some

1 great questions. Say three main points that
2 we're looking to address with this
3 supplemental report.

4 The first being, wanted to confirm that
5 the data collected from our original report,
6 that data from April is still, in fact, good
7 data, still valid data. So we went out and
8 collected another round of turning movement
9 counts to give ourselves another data point
10 to - to compare with.

11 Those turning movement counts were
12 collected on Wednesday, October 12th of this
13 year. Again from that 7:00 to 9:00 period in
14 the morning and then again from the 2:00 to
15 7:00 period in the evening. That way we
16 capture both the school dismissal and the
17 weekday evening peak hours in the afternoon.

18 That count data again, shows that the,
19 you know, the volumes are very typical, very
20 consistent between the two. In the morning,
21 we did see - did see higher volumes on the
22 roadway network, single digit higher. And
23 then in the school dismissal and weekday
24 evening peak hours both - both lower volumes
25 as far as percentage change, single digit

1 percentage change is how I should be phrasing
2 that.

3 Ultimately, you know, traffic
4 fluctuations on a day to day basis, under 10
5 percent is very typical on a roadway network.
6 Here we saw the morning was a bit higher, the
7 afternoon and evening were a bit lower. And
8 we did rerun that analysis and found no - no
9 changes to our levels of service or
10 conclusions that were previously testified to.

11 The second piece that we wanted to
12 relay to the board as far as data collection
13 goes are the left turns coming out from the
14 driveways opposite of the site. There
15 was - there was discussion about possibly
16 using cones or other traffic devices along
17 that median similar to the McDonald's further
18 down on Broad Street.

19 But, of course, wanted to understand
20 and provide the information to the Board about
21 the number of left turns that were coming out
22 of those developments, the three being
23 Brookdale Elementary, the Hub, which was the
24 residential development, and the Provident
25 Bank driveway.

1 And so we - we had previously collected
2 drone footage and aerial footage which is able
3 to give us a view of these driveways. And
4 over the course of two hours of footage
5 collected, there were a total of nine left
6 turns out onto Broad Street from these three
7 driveways in the span of the two hours.

8 So it amounts to about 75 percent of
9 the total exit volumes from the driveways
10 across the street. Sorry, 25 percent of the
11 total exit volumes coming across the street
12 was left turns. The rest was predominantly
13 right turns coming out of the site.

14 So, you know, should the Board look to
15 make any restrictions or request Essex County
16 to impose any restrictions with, you know,
17 physical impediments such as cones or
18 otherwise, nine - nine left turns coming out
19 of the course of two hours, about four or five
20 per hour out of those driveways would be the,
21 you know, the - the impact, if you will.

22 So I wouldn't call that a substantial
23 impact, but just something for the Board
24 to - to know and understand as they help
25 evaluate their decisions.

1 Last piece we want to look at was
2 the - the Chick fil A going in within the
3 Connie Chung service area off of the parkway.
4 We did connect with - with New Jersey Turnpike
5 officials. They are the jurisdictional agency
6 in charge of the New Jersey Parkway.

7 We did also speak with the township's
8 engineer regarding the project. And
9 ultimately, this is a project replacing the
10 McDonald's that was previously there. Of
11 course, it does have access not only on the
12 parkway but out to Broad Street, but based on
13 the replacement of an existing fast food
14 restaurant, the very much Parkway-centric
15 focus of the - the service center, which also
16 includes the, you know, the pricing of items
17 on the menu and other - other items that make
18 it very much a highway focused rest stop type
19 area, do not see this the Chick fil A
20 development as being a substantial traffic
21 impact, especially as we work down toward the
22 site itself.

23 So - so with that, we think that the
24 background growth rates included within the
25 traffic report very much adequately address

1 any increased traffic resulting from that
2 project. And our conclusions from our initial
3 report remain valid.

4 So that - that essentially wraps up or
5 summarizes our October 20th, 2022,
6 resubmission, hopefully to answer some of the
7 board's questions that were previously brought
8 up at the hearing. I'm wondering if it might
9 make sense to does it make sense to - to take
10 questions on that or to go right into this
11 additional information that was requested by
12 (inaudible) office subsequent to the hearing?

13 ALAN LAQUAGLIA: Board, are there any
14 questions for Mr. Corak at this time?
15 Councilman Rockwell.

16 RICH ROCKWELL: Yeah. I have a
17 question about the left turns. I understand
18 the rationale for it. And I'm comparing this
19 to other places where I see similar
20 restaurants like Route 17, Route 22, where you
21 can't make a left turn because there's a
22 barrier. But those highways provide U-turns.

23 So I'm wondering if somebody wants to
24 go left on Broad Street and they're going to
25 come out and make the right turn, what - what

1 are they going to do? What are you - what do
2 you expect they'll do to - to go in the other
3 direction?

4 JOHN CORAK: Yeah. So when you're
5 making that that right turn out onto Broad
6 Street and you're ultimately looking to get
7 back toward the south, you're likely going to
8 continue straight on to West Passaic and
9 ultimately use probably East Passaic, which is
10 just beyond the parkway and continue south in
11 that direction.

12 It might be a loop back on Watchung or
13 otherwise, but when you're looking to make
14 that return trip, it's a little bit more of a
15 roundabout way of travel. And understanding
16 that, you know, those comparisons of state
17 highways, obviously these are major
18 thoroughfares with, you know, with median
19 divisions and - and oftentimes jughandle U-
20 turns.

21 But prohibitions on left turns are
22 fairly common on - on county roadways,
23 especially when you are near traffic signals
24 like - like this one. And so the same
25 principles tend to apply at those sites as

1 they would here.

2 RICH ROCKWELL: And the same applies to
3 the left turn coming into. Do you think
4 people would be likely to just turn into side
5 streets and turn around in somebody's
6 driveway?

7 JOHN CORAK: Not likely on - on
8 someone's driveway, no. Within, you know,
9 some of the neighborhood streets, it's
10 possible. But also to that end, the - the
11 county facilities in the area are much better
12 accommodating the volume and much better
13 moving the traffic volume around. If you were
14 to put that into your - into your GPS or
15 otherwise not being familiar with the area,
16 it's going to route you, you know, through
17 the - the better traveled streets, the easier
18 streets to travel because they're simply
19 faster.

20 RICH ROCKWELL: Thank you.

21 ALAN LAQUAGLIA: Mr. Babula, you had a
22 question?

23 GREGORY BABULA: Yes. Mr. Corak,
24 reflecting on - on the fire official's
25 testimony just a few minutes ago and his

1 comment about his firsthand observation that
2 traffic backs up on Broad Street, northbound,
3 past the firehouse entrance on occasion during
4 the morning and afternoon school pick up and
5 drop off. During your - your traffic counts
6 back in April and October, did you happen to
7 observe that and note that?

8 JOHN CORAK: Let's see, we definitely
9 observed - we observed traffic that
10 would - that would oftentimes come to our
11 driveway. I'm trying to think of how
12 frequently we saw it actually stop in front of
13 the firehouse. Right.

14 Most vehicles would - would stop with,
15 you know, with the stop bars that that's
16 there. This is an area that, you know, as far
17 as the striping goes here, it's not the most
18 striped facility as far as fire stations that
19 I've seen, you know, around New Jersey, right?

20 There's a stop bar in front of the fire
21 station. But oftentimes fire stations,
22 especially in in areas where there is queuing,
23 will have additional striping really to
24 emphasize it don't block the box, do not block
25 this area. And that's something that we could

1 work with the fire department to, to provide
2 them but also -

3 GREGORY BABULA: (Inaudible) striping.

4 JOHN CORAK: Right, right.

5 Something - something to that effect.

6 GREGORY BABULA: Okay.

7 JOHN CORAK: Correct.

8 GREGORY BABULA: Oh, I'm sorry. I
9 didn't mean to step on you. Please, go ahead.

10 JOHN CORAK: Yeah. There's, you know,
11 the pedestrian crosswalk a little bit further
12 to the south with the crossing guards there.
13 You know, that - that tends to - to have an
14 effect on some of the queuing patterns in both
15 directions.

16 So, you know, it - it wouldn't - it
17 wouldn't surprise me even to see that there's
18 southbound traffic that that doesn't stop
19 there because they don't have the same stop
20 bar facilities.

21 So, you know, to say that it doesn't
22 happen, certainly, you know, would - would
23 trust the fire the fire official know the
24 people that see this every single day
25 that - that it - it's something that - that

1 does happen from time to time.

2 GREGORY BABULA: Okay. And just
3 another quick question. I'm just looking
4 at - excuse me, your - your supplemental
5 report from October 20th, and I'm looking at
6 one of the pages, I think it's A6 that
7 has - it's basically the chart of all
8 the - the traffic counts.

9 And I just wanted to understand, make
10 sure I'm interpreting something correctly
11 here. The intersection of Broad Street,
12 private driveway and Broad Street, West
13 Passaic Avenue and the first columns, the
14 header is Broad Street Eastbound, so I assume
15 that that refers to traffic proceeding East on
16 Broad Street at that traffic light where Broad
17 Street bends off to the North.

18 And there's columns that say left
19 through and right which are referred to refer
20 to the traffic movements, but you can only do
21 a left or go straight at that point. And so
22 I'm a little confused that it has left,
23 through, and right, where it really should
24 only be like left or through or left and
25 right. Could you just clarify that? Because

1 I'm having difficulty interpreting, you know,
2 those numbers.

3 JOHN CORAK: Yeah. So - so this
4 is - this is a fairly common thing that - that
5 I have to work out with on the - on the
6 internal side here. So what we're doing as
7 part of our laying this out. So what you're
8 seeing as the eastbound, I actually would
9 think that that's more of the northbound.
10 Okay. So we were considering Broad Street
11 generally speaking running north/south.

12 So you'll see in the Broad Street
13 northbound columns, that's the left and
14 through where there's - that's the majority of
15 your volume going left and through. And then
16 a handful of right turns headed into the
17 office building there. So that's the - you
18 know, that's the - the call it the northbound
19 approach that is that goes in front of the
20 site.

21 When you're looking at the Broad Street
22 eastbound, that's where Broad Street comes in
23 almost at a, you know, at a - at an eastbound
24 but almost at a southbound maneuver. And
25 your - the large majority of your traffic is

1 going to make either a left on a West Passaic
2 or a right to continue on to Broad.

3 GREGORY BABULA: Okay. Okay. I think
4 I understand now. So Broad Street Eastbound
5 basically is at the at the corner by the
6 Provident Bank where you can make a left or a
7 right?

8 JOHN CORAK: Yes. Yes. You could
9 consider that as eastbound or southbound, you
10 know, depending on how you want to hold the
11 map, if you will.

12 GREGORY BABULA: Okay. So the through
13 column is that people just going straight
14 ahead into the driveway of that medical
15 building?

16 JOHN CORAK: Correct.

17 GREGORY BABULA: Got it. Okay. Now I
18 understand it. Thank you for clearing that
19 up.

20 ALAN LAQUAGLIA: Anybody else. Okay.
21 Mr. Corak -

22 ZACHARY FARNSWORTH: Mr. Chairman, I
23 have some questions.

24 ALAN LAQUAGLIA: Who just -

25 ZACHARY FARNSWORTH: Zach Farnsworth.

1 ALAN LAQUAGLIA: Yeah, go ahead, Mr.
2 Farnsworth. Yes.

3 ZACHARY FARNSWORTH: Thank you. Mr.
4 Corak, I appreciate you doing all of this
5 analysis. And, you know, I do appreciate you
6 doing the work on the Connie Chung service
7 area question that we had at the last meeting.

8 To be honest, I do have a couple of
9 follow up questions here. I'm not completely
10 clear on - on what was considered here. Did
11 you guys actually - did you compare any data
12 between the amount of traffic that a
13 McDonald's draws versus a Chick fil A?

14 JOHN CORAK: So we were in - we were in
15 correspondence with the Turnpike Authority
16 regarding their traffic study and also
17 understanding what was there before and what's
18 there today. But - but as far as you know,
19 the specific draw, McDonald's versus Chick fil
20 A, you know, it's - it's not a one to one
21 equal comparison, but it's close.

22 ZACHARY FARNSWORTH: Okay. I mean, you
23 said you've had experience doing traffic
24 studies for Chick fil A's, correct?

25 JOHN CORAK: Right. We have done work

1 on Chick fil A.

2 ZACHARY FARNSWORTH: Isn't that a
3 pretty significant draw as compared to like
4 McDonald's, not only based on the popularity
5 of the franchise, but also just based on the
6 geographic availability of the franchises.
7 For instance, we have a McDonald's, you know,
8 down on Broad Street in - in Bloomfield. I
9 think the closest Chick fil A might be
10 Teterboro or Union Township. And people
11 travel to go to Chick fil A's. Right?

12 JOHN CORAK: Yeah. I think - I think
13 that's part of it. But also remembering that
14 this is a Chick fil A location that is
15 predominantly geared toward Parkway customers,
16 similar to how the Chick fil A within - on the
17 turnpike just before you get to - to exit 11.
18 So between exit 11 and 12 southbound where
19 that is of course geared toward turnpike
20 customers.

21 ZACHARY FARNSWORTH: I mean - I'm
22 sorry. You continue.

23 JOHN CORAK: Right. And so there's
24 components of that, including drive-through,
25 including the pricing points that are provided

1 here, that - that helps offset, so to speak,
2 you know, the fact that there is a driveway
3 out to Broad Street serving the service
4 center.

5 ZACHARY FARNSWORTH: Okay. I mean, I
6 don't want to split hairs with you because I
7 think I disagree with that, living in the area
8 and seeing the amount of traffic that comes
9 into the back of that rest stop simply for a
10 McDonald's. You know, I do have significant
11 concerns about the amount of traffic that a
12 Chick fil A will draw. I think the other
13 thing that struck me here is, it's my
14 understanding, based on what's been publicized
15 in the news, that there's not just a Chick fil
16 A, there's a Starbucks going in at that rest
17 stop, too.

18 And again, I'm concerned that that
19 combined with a Chick fil A and backing
20 traffic out onto Broad Street towards that
21 intersection with West Passaic is going to
22 start causing some problems if you add the
23 traffic from Wendy's and Taco Bell trying to
24 move around in that area.

25 JOHN CORAK: Right. So, I mean, what

1 I'm going to present to you next involves the
2 sort of the distribution of traffic across the
3 day. What I'm going to show you is that the
4 volume of customers for Wendy's and Taco Bell
5 is very, very low in the morning.

6 It's also very, very low during that
7 school dismissal period. So you know the
8 impact of a Starbucks is not something that
9 really has any impact on this site. Also
10 Starbucks, you know, it's certainly a bit more
11 common, so to speak.

12 But I hear the concerns, you know, and
13 this is these are all - all pieces discussed
14 with the Turnpike Authority. But, you know,
15 it's still a, you know, it's still a parkway
16 rest stop. And that's - that's geared - you
17 know, that's the - that's the focus for - for
18 that site.

19 ZACHARY FARNSWORTH: Okay. Yeah. I
20 think - I think this concern particularly came
21 to light for me because last week there was a
22 motor vehicle and pedestrian accident at that
23 intersection of West Passaic and Broad. Two
24 pedestrians were hit.

25 You know, obviously, I don't know the

1 exact circumstances, but it kind of just
2 struck me as we're considering this
3 application that, you know, the traffic really
4 needs to be taken seriously. I don't want to
5 take up too much of your time.

6 The only other thing I want to ask
7 about is when we're talking about the
8 prohibition on left turns for southbound
9 traffic on Broad Street as it passes the
10 elementary school off to the right, are you
11 concerned at all that the prohibition on left
12 turns is going to - I know you said that GPSs
13 will route people so that they're not taking
14 turns on the side streets and making U-turns,
15 but do you have any concerns that people are
16 just going to anyways decide to make their U-
17 turns into turns like Parkview Drive or, I
18 think it's Brookdale Road that's right next to
19 the elementary school where during the - the
20 school dismissal and, you know, the morning
21 hours, you've got a lot of kids walking around
22 those roads coming around the neighborhood?

23 JOHN CORAK: No - no substantial
24 concern with those movements. For one, during
25 those particular time periods - and I will

1 show you that there will be very, very little
2 traffic entering, you know, the - this - this
3 site. It's predominantly lunch with another
4 peak at the dinnertime. But during that
5 school arrival and school dismissal times very
6 little traffic.

7 And of course we do have crossing
8 guards in the vicinity as well. And as far as
9 the - the left turns in, right, the - the, the
10 routings will of course take you to make that
11 right turn in. We have the channelized
12 movements. We have the left turn prohibitions
13 by, you know, by the county that - that are
14 there today and are going to be strengthened
15 with our - our geometric changes to the site.

16 Today it's not really a - a geometric
17 prohibition but with the angling of the
18 driveways, I think - I think makes it
19 for - for a much stronger deterrent from those
20 left turns.

21 ZACHARY FARNSWORTH: Okay. Well, I
22 appreciate all of your work on this, Mr.
23 Corak. I do think you did a very good job
24 overall, so thank you for your testimony and
25 your time.

1 JOHN CORAK: Thank you.

2 ALAN LAQUAGLIA: Any other questions,
3 Board? I don't see any hands. Okay. Mr.
4 Corak, just going back to the previous
5 meeting, I wasn't sure. I'm assuming you
6 testified to this. About the two parking
7 spots for the pickup windows. That would have
8 just been under your premise.

9 So you also testified that because
10 there was a dispute over the parking spaces
11 needed and how the ordinance was written, and
12 all our experts agree that you were within
13 your rights with the ten or so workers having
14 spots, and - which basically would have
15 allowed maybe 15 to 18 spots for the
16 customers.

17 But you also testified, I believe, and
18 correct me if I'm wrong, that a lot of your
19 business wasn't so much the sit-down, but
20 whatever these Uber, DoorDash, or whatever the
21 things are called, picking up the fast food.
22 Is that correct, sir?

23 JOHN CORAK: Correct.

24 ALAN LAQUAGLIA: That was your
25 testimony?

1 JOHN CORAK: Yes.

2 ALAN LAQUAGLIA: So after thinking
3 about it, is one parking spot per restaurant
4 dedicated to these pickup windows. Will that
5 hold this? And if not, you have this
6 turnaround of - and let's just - let's just
7 start from, say, lunch time or dinner time or
8 whatever when the busiest time is you just
9 testified.

10 What if these Uber - let's just say for
11 the sake of argument, I'm going to call them
12 Uber drivers. But you know what
13 I'm - DoorDash and what things are. Where are
14 they going to back up to? You know, it's a
15 pickup window. So - and just let me just
16 finish my thought. Otherwise, I'll forget it.

17 You have to get out of the car, go to
18 the window, and pick it up. Correct? I mean,
19 that's how a pickup window works, not a drive-
20 through window.

21 JOHN CORAK: Correct.

22 ALAN LAQUAGLIA: So these, again, Uber
23 drivers will come in, pull into this parking
24 spot, get out, go to the window, pick it up,
25 get in the car, back out, and take off. What

1 if we have 6 or 7 or 8, worst case, 10, 12 at
2 one time. What accommodates them?

3 Now, we already said, and we all
4 agreed, that you might be able to do with 15
5 lots for the sit-down restaurants, I mean 15
6 spaces for the sit-down. And that was your
7 argument that it would work. And our experts
8 agree that the ordinance was written that way.

9 So if you have some people in there
10 having dinner and the parking lot is full with
11 them, plus you have the help, now you've got
12 all these Uber drivers coming in to pick up.
13 What - what accommodations is made for that?

14 JOHN CORAK: Right. So there's a
15 couple factors at play here. The - the first
16 being that the - the prevalence or the rise of
17 the food service delivery, the Uber - the Uber
18 Eats and alike, isn't really contributing to
19 an increase in vehicles to the site and
20 increase in sales.

21 It's displacing a previous market of
22 people would actually have to get up and go to
23 the - to the restaurants. So, you know, when
24 we're looking at this ordinance being written
25 in the past to accommodate a specific parking

1 volume, you know, we are still - still very
2 much within our means of being able to - to
3 provide that.

4 The second piece is that the Uber
5 pickups are about as fast as you described
6 them just now. Right? It's - it's you park,
7 you walk up to the window, get the name,
8 orders already paid for. You're - and
9 you're - and you're there and out.

10 So, you know, that's why we wanted to
11 designate that that closest space so we could
12 facilitate those pickups on a - on a quick
13 basis. But to designate above and beyond
14 that, we don't want to limit parking that
15 could otherwise serve, you know, the regular
16 customers.

17 And the - the example you gave six,
18 seven, eight, I think is - is far and beyond
19 what we would ever see at the store for - for
20 Uber drivers on the site at the same time.
21 But if there were two or three, you know, the
22 one or two extra parking spaces, you know,
23 regular parking spaces would be able to
24 accommodate them for the - for the very quick
25 trip to the pickup window.

1 ALAN LAQUAGLIA: Okay. You know what,
2 Mr. Intindola, did you just hear my
3 conversation?

4 BRIAN INTINDOLA: Yes, I did.

5 ALAN LAQUAGLIA: I'm sure you did.
6 Amanda, would you swear Mr. Intindola in,
7 please?

8 AMANDA WATERS: Do you swear that the
9 testimony you are about to give is the truth,
10 the whole truth, and nothing but the truth?

11 BRIAN INTINDOLA: Yes, I do, for the
12 record -

13 AMANDA WATERS: Please state your first
14 and last name for the record.

15 ALAN LAQUAGLIA: Brian Intindola,
16 traffic representative to the Board.

17 AMANDA WATERS: Thank you.

18 ALAN LAQUAGLIA: So you understand my
19 concern about this, Mr. Intindola?

20 BRIAN INTINDOLA: Yes. And directly
21 related to your question, our office, in
22 conversation with the applicant's traffic
23 engineer, came up with a spreadsheet that will
24 say what - will tell the Board starting at
25 7:00 in the morning till the evening, where

1 the trip allocation will go.

2 And the - the applicant's traffic team
3 and the operations people spoke. And so when
4 we have a chance to review it, we sent it a
5 couple of weeks ago to the applicant team.
6 And I think that's going to answer your
7 question when they testify to it, that the,
8 you know, the turnover, how does that play
9 with the traditional sit-down. Because I
10 think for the Board and for Bloomfield, this
11 is a new use. I don't think you have this use
12 yet.

13 And what we're finding is that the
14 reason trends in - there's a reason why they
15 don't - that the drive-throughs are not being
16 proposed here, is that what the industry is
17 finding is that it's more efficient for
18 someone to take an order on their phone
19 instead of yelling to a dodgy speaker what
20 they want.

21 The order is ready. So that's what the
22 pickup window is, a walk up drive-through, so
23 to speak. And it also it can be used for
24 the - the food services.

25 So the applicant, to their credit, has

1 put together a spreadsheet in response to what
2 we sent them. And when they go through that
3 in detail, I think it's going to answer a lot
4 of the board's questions.

5 Just how will this site work in its the
6 context of Broad Street, because the site is
7 really unique. The reason why I say it's
8 unique, and I don't know if I don't want to
9 ramble, Chairman, is that if you do a right
10 in, right out, and if you rely on pass by
11 traffic, pass by traffic, it's not really pass
12 by traffic.

13 It's another level of definition, which
14 I won't bore you with - I won't bore you with
15 the details, is a diverted link trip. Because
16 when you want to get back to - like, say, if
17 you started at Broad and Watchung. Right?
18 And you want to get back to Broad and
19 Watchung, you have to loop all the way around
20 from East/West Passaic down Watchung then back
21 around.

22 That's your direct shot because you
23 can't make a left out of the site. So, you
24 know, it's - I believe ultimately this is
25 going to be more dependent on delivery

1 services, is almost like a ghost kitchen more
2 than it is for the general public. That's
3 just my sense. Applicant can refute that, but
4 I think that it's because it's so inconvenient
5 to get back to where you were, if you come
6 from, say, Broad Street and Watchung as a
7 starting point and work your way up Broad
8 Street.

9 To get back around, you cannot make the
10 left around and you have to go over the
11 parkway unless you make a left, go back
12 around, I think what's the next left is
13 Bellevue. Bellevue, Right?

14 ALAN LAQUAGLIA: I believe it's
15 Overlook.

16 BRIAN INTINDOLA: Overlook or Bellevue.
17 You have to go through (inaudible).

18 ALAN LAQUAGLIA: But now you're going
19 down side streets.

20 BRIAN INTINDOLA: Right. Exactly. So
21 it's - it's - as a practical matter, it's
22 going to not operate as your traditional fast
23 service restaurant because you don't have
24 those immediate left turns back on the Broad
25 Street, which they realize as a practical

1 matter, though, it won't work anyway.

2 So it's a really unique use. So maybe
3 when they go through the spreadsheet that we
4 provided them, then they can, you know,
5 supplement their narrative. But there is no
6 use like this in the area that - that comes to
7 mind that has to walk up window and the dual
8 use. This is a unique use in New Jersey. So
9 we have no comparables.

10 We can only extrapolate comparables
11 based on data and based on the data that the
12 applicants provide us, and then we can verify
13 as best we can for this use. But, you know,
14 if they were to give me a site anywhere in the
15 East Coast, we have ways of checking that out.
16 But I don't even think there is any site like
17 this on the East Coast. But that's where we
18 are, Chairman. And I know - I understand the
19 Board struggling with.

20 ALAN LAQUAGLIA: Yeah. And just Mr.
21 Intindola, while we have you here and Mr.
22 Corak also. The worst case scenario these and
23 I'm just going to say Uber drivers
24 however - you know you know what I mean, the
25 guys that pick up the food. If there is a

1 backup and then you have people coming in to
2 sit down restaurant for 5:00, 6:00, people
3 want to get their dinner, 7:00 they want to
4 get their dinner.

5 You're going to have professional
6 drivers, let's call them, or semiprofessional,
7 however you want to call the Uber drivers,
8 with your normal people pulling in and out.
9 What are the chances of these people backing
10 up onto Broad Street?

11 BRIAN INTINDOLA: We don't know. I
12 mean, the applicant can tell me otherwise.

13 ALAN LAQUAGLIA: Is there a possibility
14 of this? That's what I'm questioning with
15 only two spots.

16 BRIAN INTINDOLA: And I think we need
17 to hear from operations. The way I
18 understand, when you use a food service, you
19 pick the Wendy's or Taco Bell that you like.
20 Then you go through and make your Uber order
21 or whatever, DoorDash, whatever you want to
22 use.

23 So I don't think they'll ever be a
24 situation where if they order to the proposed
25 restaurant that there will be blackout periods

1 saying that all our order slots for drivers to
2 pick up for second party services have been
3 booked. I don't think that will ever happen
4 unless they can tell me otherwise that they
5 limit capacity so the site doesn't get
6 overwhelmed with driver - third or second
7 party driver orders. I don't know if that's
8 even possible, but that's - we don't know
9 that. We don't know that.

10 ALAN LAQUAGLIA: Well, we don't know
11 it. But again, there is a safety issue
12 possibility here. And wouldn't it just be
13 common sense to have more than one parking
14 spot for the Uber drivers?

15 BRIAN INTINDOLA: Well, what will
16 happen is that they'll just consume spaces
17 that are not being used. Right? They're just
18 doing one as a courtesy. But you would assume
19 that if it's prepaid and the order is ready,
20 the transaction is really getting - parking,
21 getting out of car, going up to the window,
22 and coming back. Because the transaction's
23 already done, provided that your order's
24 ready.

25 The only time we see issues with pickup

1 windows based on our experience like this, not
2 exactly the same use, but a ghost kitchen in
3 Bellville that we've observed down the valley
4 is that sometimes the whole order is not
5 ready. So the Uber driver has to wait for the
6 rest of the order, and then they go back and
7 they wait.

8 So, you know, and I think as a
9 practical matter, you know, operationally,
10 because it's a unique use, it's not in play
11 anywhere not that I'm aware of. Maybe the
12 applicant can tell me some more. That there's
13 going to be growing pains, no doubt about it.
14 And as they figure it out, and as the traffic
15 gets acclimated to the site, they may increase
16 the Uber driver or third-party pickup spaces.

17 I would - for me, I think a minimum of
18 three works. One to pick up, one to leave,
19 one to go. It just makes sense to me. And if
20 that cannibalizes some of their parking, I
21 think it might be warranted.

22 ALAN LAQUAGLIA: Thank you, Mr.
23 Intindola.

24 BRIAN INTINDOLA: And we - just as an
25 aside, we did have a discussion that when they

1 have heavier peak period times, and I don't
2 know if we discussed it at the last hearing,
3 that perhaps they can make two restaurant
4 employee-related spaces in front of the
5 garbage cans, in front of the trash pickup
6 area.

7 And that way those are free for the
8 public or delivery service. Because when it's
9 the peak dinner time, you're not going to have
10 trash removal. They're mutually exclusive.
11 So they might increase their parking that way.

12 ALAN LAQUAGLIA: Thank you, sir.
13 Any - while he's here, any questions for Mr.
14 Councilman?

15 RICH ROCKWELL: Yes. My - my
16 recollection of the testimony previously was
17 that when somebody orders on the app, they
18 place the order, they arrive at the restaurant
19 in the - in the pickup spot, notify the
20 restaurant that they're there, and then they
21 start cooking the meal.

22 And we ask for testimony from
23 operations to clarify that. So I think we
24 need to hear this testimony about how this
25 pickup is going to work. Are delivery

1 services is going to do that? Are individuals
2 going to do that if they order through the
3 app? And I think we need to know how that's
4 going to work before we talk about the
5 traffic.

6 The other question for Mr. Intindola,
7 isn't the reason that drive-throughs are not
8 being proposed here is because they're not
9 permitted?

10 BRIAN INTINDOLA: There's a - that
11 could be a reason too. But the reason why
12 they're proposing that - you - the applicant,
13 can design this as, you know, any infinite
14 possibility and make their case before any
15 board they want. Right? But I don't know if
16 that's the reason why they're not proposing a
17 drive-through. I don't know if (inaudible).

18 ALAN LAQUAGLIA: They're not permitted.
19 That's a fact.

20 BRIAN INTINDOLA: Right. It's not
21 permitted.

22 ALAN LAQUAGLIA: Yeah.

23 BRIAN INTINDOLA: It's not permitted.
24 But it doesn't mean they couldn't make an
25 application for it. So this to me is like a

1 stealth drive-through.

2 ALAN LAQUAGLIA: And (inaudible)
3 window, that's why they're exclusive for Uber
4 drivers. I mean, anybody. I could call
5 (inaudible).

6 BRIAN INTINDOLA: That's correct. You
7 can say if you -

8 ALAN LAQUAGLIA: So anybody can. Yeah.

9 BRIAN INTINDOLA: Right. So, you know,
10 say if you have a large party, like an after
11 party, you have a whole bunch of food you want
12 to get.

13 ALAN LAQUAGLIA: Yeah.

14 BRIAN INTINDOLA: (Inaudible) call and
15 pick up your order and just go right to the
16 window. I don't -

17 ALAN LAQUAGLIA: Just want to get a
18 burger on the way home or something.

19 BRIAN INTINDOLA: Right. Yes.

20 ALAN LAQUAGLIA: Okay. All right.

21 Anybody else have a question for either Mr.
22 Corak or Mr. Intindola at this time? Mike, I
23 can open it up to - did I see a hand? Mr.
24 Babula.

25 GREGORY BABULA: Right. Well, since we

1 have Mr. Intindola, Mr. Intindola, do you have
2 any thoughts on the testimony from the fire
3 official regarding the traffic backing up, you
4 know, on Broad Street, you know, in front of
5 the firehouse during you know, he testified
6 there was two periods during the day where
7 they observed firsthand the traffic coming up
8 to the drive of the firehouse. Do you have
9 any - any thoughts or observation on that
10 with - with regard to the traffic movements on
11 the site and in and out of the parking lot?

12 BRIAN INTINDOLA: Well, you know, the
13 fire official is confirmed by our
14 observations. And I think the applicant
15 testified as much to that, that they recognize
16 that it's there. And I believe that is one of
17 the - one of the - one of the main reasons why
18 they're proposing a right in/right out.
19 Right?

20 So they can see that that that left
21 lane does back up specifically during school
22 pick up and drop off and pick up. That was
23 the testimony. Not that it - I don't know if
24 it will give it the Board any comfort, but
25 that is not, from what I understand and my

1 observation, those times are not a - an
2 intense time for the applicant's uses unless
3 they have like a some sort of very popular
4 breakfast run.

5 But other than that, like in the
6 afternoon, not as busy and that supported by
7 the ITE data that for the - for the, you know,
8 percentage of - of use during these times. Of
9 course it's the lunch time and then not so
10 much in the morning unless it's really branded
11 item for - for breakfast, which I think
12 Wendy's and Taco Bell are working on. But I
13 don't know if they're there yet.

14 GREGORY BABULA: Right. Well, I think
15 related to that, and I believe this is the
16 concern that the chairman has articulated, is
17 the concern that, you know, during a
18 particularly peak period of demand for the
19 restaurants, it seems conceivable that the
20 vehicles attempting to enter the parking lot
21 may spill out onto Broad Street and queue up
22 along the curb waiting to get in, potentially
23 backing up to the firehouse.

24 And as you testified, you know, we
25 really don't know because this seems to be

1 somewhat of a novel concept with this
2 particular configuration, with the dual use,
3 basically a duplex restaurant with a pickup
4 window. And you would allow for the
5 possibility that, you know, there could be, I
6 think, in your words, some growing pains.

7 Did you see any merit to that concern,
8 that there could be, you know, a queuing up
9 along the curb waiting for vehicles, getting
10 into the parking lot?

11 BRIAN INTINDOLA: I don't know because
12 I have not been able to directly observe it.
13 I'm - all of what we're - what I'm providing
14 the Board is it's really just extrapolation
15 because I do not have an example.

16 But what I do know is that, like if we
17 compare it to the Wendy's in - in Clifton,
18 Maine/Passaic Ave there, that has a triple
19 drive-through that one is always has done very
20 well, right?

21 So if that order of magnitude of
22 transactions, it could, you know. That had
23 its growing pains when it first opened even
24 though they did the triple drive-through
25 there. But, you know, that is really staffed

1 up. I don't know if you know that one offhand
2 over by Route 3.

3 GREGORY BABULA: I'm not familiar with
4 that. But you know, we also well, we have
5 closer examples. We have, you know, the
6 McDonald's on Broad Street with - which has
7 been mentioned, you know, in our previous
8 meeting. And that seemed to have an uptick in
9 traffic after the McDonald's and the rest stop
10 was closed, to the point where they've got the
11 cones now preventing left turns in and out
12 because people were queuing up and blocking
13 traffic.

14 And I'm also familiar with the Wendy's
15 over on Franklin Street in Belleville, which
16 has a drive-through. And I've seen that
17 actually back up out onto Franklin Street at
18 4:00 on a Sunday afternoon. So, I guess, I
19 mean, obviously, you know, you cannot answer
20 this question definitively, but I think it
21 just kind of articulates the concerns, you
22 know, that several of us have raised about the
23 potential for a queuing back up onto the
24 street, you know, if the parking lot is full
25 and, you know, they're waiting to get in

1 because, you know, orders aren't ready yet and
2 people are waiting at the pickup window, so,
3 you know, et cetera.

4 BRIAN INTINDOLA: So really it comes
5 down to that they have to push the
6 transactions out. Right? If you go, you get
7 your service. You need as much an intensive
8 reaction to a transaction as if it was a dual
9 drive-through. And if they don't staff up, it
10 will back up.

11 GREGORY BABULA: Good point. Thank you
12 very much.

13 BRIAN INTINDOLA: Thank you.

14 ALAN LAQUAGLIA: Board, any other
15 questions. I don't see anybody raising their
16 hands. Amanda, do you see anyone waving?
17 Because sometimes I can't pick it up right
18 away.

19 AMANDA WATERS: Yeah. You have - well,
20 not from the Board.

21 ALAN LAQUAGLIA: The Board members.

22 AMANDA WATERS: Not from the Board.

23 ALAN LAQUAGLIA: Okay. I don't see
24 anybody again. Okay. Are there any questions
25 from the public for Mr. Intindola or Mr. Corak

1 regarding their testimony only?

2 AMANDA WATERS: Just one moment. You
3 have someone logged on as Expedito's
4 (phonetic) iPhone. Can you please tell us
5 what your first and last name is and I'll
6 change it for you?

7 MICHELLE CAPISTRANO: Michelle
8 Capistrano.

9 AMANDA WATERS: Michelle Capistrano?

10 MICHELLE CAPISTRANO: That's right.

11 STEPHEN JOSEPH: And Chairman, sorry to
12 interrupt, but before we jump to public, there
13 was that additional spreadsheet that we were
14 going to enter into evidence that both experts
15 referenced in their testimony.

16 ALAN LAQUAGLIA: Thank you for
17 reminding me of that, Mr. Joseph. So let's
18 continue, and then we'll open it up to the
19 public then.

20 STEPHEN JOSEPH: Okay. So John, if you
21 could just describe this spreadsheet before we
22 enter it into evidence and -

23 ALAN LAQUAGLIA: Just one second, Mr.
24 Joseph. Anyone wanting to ask a question,
25 your term will come as soon as Mr. Corak is

1 done with his presentation, which should be in
2 the near future. I'm sorry, sir. Continue.

3 STEPHEN JOSEPH: Yes. So, John, if you
4 could just describe that. And - and counsel,
5 I did lose track of where we left off on
6 exhibits from the last time. I don't know if
7 you have that.

8 MICHAEL RUBIN: A6.

9 STEPHEN JOSEPH: A6. Okay. Thank you.

10 JOHN CORAK: Okay. Makes sense for me
11 to just share my screen and review it that
12 way.

13 STEPHEN JOSEPH: You do need to
14 verbally describe it for the record.

15 JOHN CORAK: Of course.

16 ALAN LAQUAGLIA: Please hold.

17 STEPHEN JOSEPH: Are you able to -

18 ALAN LAQUAGLIA: You're putting it up?

19 JOHN CORAK: Yep. Yep. Sorry, I heard
20 a please hold and I wasn't sure. Okay. So
21 what is shown on my screen is an Excel
22 spreadsheet that categorizes the - the vehicle
23 traffic in and out of the site at half-hour
24 intervals from 7:00 a.m. to 10:00 p.m. based
25 on numerous criteria such as employees, mobile

1 ordering, walk in/sit down dining, food
2 delivery service like Uber Eats or DoorDash,
3 or just going to the - the pickup window only.

4 And what I've - what I've attempted to
5 do with the, the spreadsheet is, is
6 differentiate the columns with the light gray
7 shading so that way you're able to sort of
8 keep track which - which category we're in.
9 And then I used the - a dark black outline to
10 identify when those peak hours were occurring.

11 So I know Mr. Intindola is sent over a
12 bit late by my office and didn't have time to
13 fully review, but essentially what you'll see
14 from - from the data, and I'll actually move
15 to - to a visual to - to show this a little
16 bit better is that there's a very clear lunch
17 peak and then a smaller evening peak
18 associated with the project.

19 You'll see that mobile ordering and
20 delivery, mostly mobile ordering, tends to
21 happen just before the peak occurs as people
22 are anticipating when they're going to get
23 lunch or you make those mobile orders between,
24 you know, starting 11:30 to then eat lunch at
25 noon.

1 Similarly, making them at 5:00 and 5:30
2 to eat dinner at 6:00 and - and 6:30. So
3 ultimately, if we take all of the trips in and
4 out of the site, I don't know if we should
5 show - probably show this as another - label
6 as another exhibit.

7 STEPHEN JOSEPH: So this will be A7
8 then. And it's a graph of the generated
9 trips. Correct?

10 JOHN CORAK: Correct. It's a - it's a
11 visual graph of the totals across each half
12 hour from that spreadsheet. And so ultimately
13 what you see is obviously the peak during
14 that - that midday lunch period. And then as
15 we - we work our way back down that 3:00/3:20
16 dismissal period is very much a dead period
17 for most fast food restaurants.

18 And Wendy's and Taco Bell are no
19 exception. So we've utilized the actual data
20 from those two specific users we're seeing
21 here. You know, in a - in a half hour, less
22 than - than ten trips coming in and out of
23 the - or ten vehicles coming in and out of the
24 site. And then that begins to pick up again
25 as we get into the dinner hour.

1 So, you know, understanding there's
2 been a lot of discussion and a lot of concern
3 about the traffic volumes through this area,
4 the activity of the school arrival and
5 dismissal. Obviously, a lot of school
6 children, pedestrians crossing Broad Street,
7 the uses proposed before you during those
8 periods are very benign uses.

9 They - they just don't generate a lot
10 of traffic during those off-peak hours. And
11 so you'll largely find the amount of traffic
12 going in and out of the driveway and the
13 amount of vehicles in the parking lot at those
14 times to be very little.

15 And so, you know, certainly - certainly
16 willing to provide Mr. Intindola more time
17 to - to review. And, you know, we can - can
18 go from there. But if there's any questions
19 on - on what is immediately been presented, be
20 happy to answer.

21 STEPHEN JOSEPH: And - and John, I mean
22 any - any permitted use here would have a
23 parking requirement. And if it's a similar
24 the parking ordinance in Bloomfield is based
25 on the size of the building and the number of

1 seats. Correct?

2 JOHN CORAK: Correct.

3 STEPHEN JOSEPH: So any permitted use
4 that's a similar size would have similar
5 parking requirement. Correct?

6 JOHN CORAK: Correct.

7 STEPHEN JOSEPH: And we - and we
8 satisfy that requirement?

9 JOHN CORAK: Yes.

10 STEPHEN JOSPEH: All right. Thank you,
11 John.

12 ALAN LAQUAGLIA: Mr. Corak, I'm looking
13 at your sheet. Aside from the 11:30 to 12:30,
14 where it peaks really high. Your next highest
15 is from about 5:00 to 7:00 let's say. There's
16 5:00 to 6:30, which is also the peak of the
17 traffic on Broad Street. Isn't that correct?
18 The work traffic?

19 JOHN CORAK: Correct.

20 ALAN LAQUAGLIA: Okay.

21 JOHN CORAK: And that's - I mean,
22 that's very typical for these for these types
23 of uses.

24 ALAN LAQUAGLIA: I understand. I mean
25 that's going to be going to buy their food.

1 Okay.

2 JOHN CORAK: Right.

3 ALAN LAQUAGLIA: Just want to make sure
4 I'm reading this correctly. So there could be
5 a traffic jam disregarding the rush hour
6 traffic?

7 JOHN CORAK: Yeah. I mean, of course
8 is the rush hour traffic. That's when
9 these - these uses do experience as volume. I
10 just wanted to make sure that it was clear how
11 this site would operate during that school
12 dismissal and school arrival because that
13 safety is - is of the utmost importance. You
14 know one -

15 ALAN LAQUAGLIA: Without a doubt.

16 JOHN CORAK: Right. One component's
17 volume. The other component is safety.
18 And - and we want to make sure that - that
19 we're - we're providing every - every piece of
20 information that we can.

21 ALAN LAQUAGLIA: Any questions, Board,
22 for Mr. Corak regarding this this site.
23 Councilman.

24 RICH ROCKWELL: Yes. You may not know
25 the answer to this, but I think it's something

1 we need testimony about. Do we know whether
2 the children at school are - stay on site for
3 lunch or do any of them leave for lunch at
4 lunch hour?

5 JOHN CORAK: I would need to confirm
6 that, but I do not know of any elementary
7 school that allows the students to leave.

8 STEPHEN JOSEPH: Yeah. I don't think
9 that's something our, you know, our - our team
10 can answer - can answer. Maybe someone from
11 the Board of Ed or from the township can.

12 RICH ROCKWELL: Okay. Thank you.

13 ALAN LAQUAGLIA: Councilwoman, are you
14 raising your hand? Councilwoman Mundell. I
15 think you're muted.

16 JENNY MUNDELL: Got it. Can you hear
17 me?

18 ALAN LAQUAGLIA: Now we can. Yes.

19 JENNY MUNDELL: Okay. Thank you. So
20 I'm also concerned about, obviously, the
21 school children's safety. But and in light of
22 things that happened recently that were
23 already mentioned, this pedestrian safety in
24 general, with the increase in traffic, which I
25 do think you're showing here on your graph,

1 right, particularly during peak, you know,
2 dinner time hours, which coincide with folks
3 who are driving home. Right?

4 So we have folks who are not just
5 driving home, but they're also commuting home
6 via buses. And I believe there's two bus
7 stops that are right in that area. One is, I
8 think, Broad and Parkview, and the other is
9 maybe Broad and Passaic.

10 And I'm curious if you have any data
11 that relates to - or you've explored sort of
12 the impact of like how many buses are
13 stopping, you know, how many pedestrians are
14 getting off that bus at the time. So I'm
15 concerned about, again, like people crossing
16 the street with an increase of traffic.

17 JOHN CORAK: As far as boardings and
18 alightings at those bus stops, I don't have
19 any hard data from NJ Transit. You know,
20 those pedestrian crossings of course, want to
21 be - want to be using, you know, either the
22 crosswalk just to the south of the site or the
23 crossing at the signalized intersection.

24 Certainly I understand the concerns
25 about pedestrian safety and of course in light

1 of the events the past few weeks. But you
2 know, as far as - as far as that bus volume
3 traffic, you know, don't think it's something
4 that is substantially exacerbated by this
5 site. I expect we will have employees who are
6 using the bus for this site. But certainly,
7 you know, want to be able to consider all of
8 those safety impacts.

9 ALAN LAQUAGLIA: Would that be
10 something you could look into, Mr. Corak, the
11 Councilwoman's question about that or concern.
12 I'm sure you can get that data from the bus
13 companies or whatever.

14 JOHN CORAK: Yeah, we can review - we
15 can review that data. I mean, the pedestrian
16 crossings, you know, are the pedestrian
17 crossings. They're there. They're there,
18 what's provided, you know, we're you know,
19 we're providing, you know, the sidewalk along
20 our frontage to you know, to offer that that
21 pedestrian, you know, the pedestrian path
22 along our site frontage and beyond that, you
23 know that's -

24 ALAN LAQUAGLIA: This has (inaudible).

25 JOHN CORAK: There's not a lot of

1 infrastructure that that we're able to add as
2 part of this.

3 ALAN LAQUAGLIA: If you can look into
4 that regarding the Councilwoman's concerns and
5 of course, we're going to have another meeting
6 after this. So that's something we could
7 present and possibly present it to Mr.
8 Intindola beforehand.

9 JOHN CORAK: Yes, of course. Yes, of
10 course.

11 ALAN LAQUAGLIA: Thank you, sir.

12 JENNY MUNDELL: It's NJ Transit as well
13 as DeCamp bus line. So we have a private bus
14 line that runs through as well. Thank you.

15 JOHN CORAK: Great. Thank you.

16 ALAN LAQUAGLIA: Thank you,
17 Councilwoman. Mr. Lasek?

18 PAUL LASEK: Yeah, just a couple
19 questions. I'm looking at the site plan here.
20 What's the total amount of parking spaces
21 available here? I can't remember the precise
22 number. What do we have?

23 JOHN CORAK: Right. 13, 14, 16, 24, 29
24 on the site.

25 PAUL LASEK: Okay. And then looking at

1 your trip generation, particularly at that
2 peak hour, I think like 85 trips or something
3 like that, it looks like at 12:00. Now, when
4 you say trip generation, you're talking about
5 cars coming in and cars coming out, you're
6 going to get a total of 85?

7 JOHN CORAK: Right.

8 PAUL LASEK: How does that correlate
9 with how these spaces are going to be used?

10 JOHN CORAK: Right. So - so these
11 trips, you know, Taco Bell and Wendy's, very
12 high turnover uses very high proportion of
13 takeout traffic. And so, you know, over the
14 course of that half hour or hour, you're
15 getting turnover of multiple vehicles per
16 parking space.

17 PAUL LASEK: Okay. I mean, that's like
18 we're talking like a half hour to an hour
19 interval, and we're going - again, I don't
20 have the graph up there. But at one point it
21 starts at 60 something and it goes to 85 and
22 then it goes back down maybe to 60 something.

23 I mean, how - how quick of a turnover?
24 I mean, it would seem to me that even ten
25 minutes going in and out, which you could

1 take, especially if you're still doing it the
2 old school way, not everybody uses phones.
3 Where - are there enough spaces to actually
4 satisfy the turnaround? Because I know the
5 questions came up that, you know, well, these
6 vehicles are going to be queuing on their
7 street because there are going around and
8 around because they can't find a parking
9 space.

10 And I don't know if that's going to
11 happen. The numbers, the way they're shown
12 and that amount of vehicles does kind of raise
13 that question as to how this is going to cycle
14 through.

15 And I understand your meeting the
16 ordinance, that's - that's quite
17 understandable. But, you know, when you see
18 the data put up like that, it kind of raises
19 the question, is - is there going to be
20 sufficient turnaround in here to accommodate
21 those numbers? Quite frankly, when I looked
22 at that, I was kind of shocked that the
23 numbers were that high.

24 I'm not in the business, so maybe
25 they're not that shocking to anybody else.

1 But it does raise a question as to how those
2 parking spaces are cycled through.

3 As I said, I mean, you can't do
4 it - even if you're - even if you're picking
5 it up, it's going to be difficult. Five, ten
6 minutes is probably going to be the time it's
7 going to take by the time you pull in, you
8 stop your car, you run/walk to the restaurant,
9 you come out.

10 So I don't know. It's hard just
11 looking at that data to correlate with how
12 it's going to turn around in these spaces.
13 Which again brings up the question is, are
14 people going to have to queue or wait in the
15 aisle or are they going to come in and go out
16 and go around and then try to come in again?

17 I think that kind of raises the
18 question that we need to understand that - how
19 that's going to work, because right now it's a
20 question.

21 JOHN CORAK: Sure. I think ten minutes
22 is - is a - is a very long time for most of
23 the customers who are coming in and out of the
24 site. I appreciate the concern, but - but
25 we're very comfortable with the parking that's

1 provided and the turnaround times that these
2 types of facilities offer.

3 The parking here is compliant. And not
4 only is it compliant, but we wouldn't be
5 proposing this if we didn't think it worked.
6 We, of course, want a functional site that
7 works because if it doesn't work, you can't do
8 your business well, you can't operate well.

9 STEPHEN JOSEPH: And - and, John, it's
10 not - not only compliant, we're -

11 ALAN LAQUAGLIA: Gentlemen, (inaudible)
12 gentlemen, identify yourselves when you chime
13 in.

14 STEPHEN JOSEPH: I apologize. Stephen
15 Joseph, attorney for the applicant.
16 And - and - and, John, we don't we not only
17 comply with - with the parking ordinance,
18 we - we have more spaces than what's required.
19 Correct? Which is -

20 JOHN CORAK: Correct.

21 STEPHEN JOSEPH: And that's why we're
22 able to specifically allocate some spaces for
23 pickups when - when the ordinance does not
24 allocate parking between employees and pickups
25 and dine in. Correct?

1 JOHN CORAK: Correct.

2 PAUL LASEK: Well, again, not being in
3 the business, but I would think that whenever
4 you have a full parking lot, that's good
5 business. And if you have to turn people
6 away, that's bad business.

7 So again, it's just - I understand
8 complying with the ordinance but the - the
9 turnaround you're talking about to me just
10 seems - seems this is going to end up with
11 some type of a of - of a lack of spaces. But
12 again, there's not enough information for me
13 to say that for sure. But it does raise the
14 question.

15 JOHN CORAK: Yeah. I think that's - I
16 think that's another good point, which is, you
17 know, the - the goal of any - any business in
18 a - in a commercial district is to have - is
19 to have traffic. Right? And for - for a
20 restaurant, it's going to be it's going to be
21 lunch time and dinner. There's going to be an
22 increase in traffic no matter what - what's
23 proposed on this site unless it's just left
24 vacant.

25 PAUL LASEK: Okay. I understand.

1 Again, it raises a concern to me that I
2 probably didn't have before until I saw those
3 numbers. That's all. I'm done.

4 ALAN LAQUAGLIA: Thank you, Mr. Lasek.
5 Mr. Farnsworth?

6 ZACHARY FARNSWORTH: Yeah. I just had
7 a couple of follow ups after Mr. Intindola
8 spoke about this site. Was there previous
9 testimony here about whether there's going to
10 be curbside delivery from the restaurant, or
11 is this strictly walking up to the mobile
12 order to pick up?

13 JOHN CORAK: It's walking up to the
14 window.

15 ZACHARY FARNSWORTH: Okay.

16 JOHN CORAK: Correct.

17 ZACHARY FARNSWORTH: You know, I
18 just - based on Mr. Intindola's comments, I,
19 you know, it got me thinking about the what is
20 a drive-through in this 21st century
21 DoorDash/Uber environment and I think Mr.
22 Intindola used the phrase stealth drive-
23 through. That concerns me because this is,
24 you know, a zone where drive-throughs are not
25 permitted. Is this a drive-through in

1 everything but name? That's all I have to say
2 at this point.

3 JOHN CORAK: Yeah. It's - it's
4 certainly not. It doesn't meet any of the
5 criteria of a drive-through. I appreciate Mr.
6 Intindola's comment about stealth drive-
7 through, but this doesn't represent that, and
8 that's certainly not the testimony from the
9 applicant.

10 STEPHEN JOSEPH: Yeah.
11 It's - it - it's clearly not - not a drive-
12 through, you know, under the ordinance but.

13 ZACHARY FARNSWORTH: Well - well, just
14 food - I would love to hear an explanation of
15 that because I read the ordinance and the
16 drive-through is not defined. The phrase
17 drive-through is not defined in there.

18 So, you know, I think that's something
19 that requires a little bit more testimony
20 perhaps, but that's something that gives me
21 concern because, you know, our governing body
22 has chosen not to define what a drive-through
23 is. So I think that's something we need to
24 consider.

25 JOHN CORAK: Sure. I would certainly

1 defer that to our professional planner, you
2 know, in terms of how these items in the
3 ordinance are defined.

4 ZACHARY FARNSWORTH: Thank you.

5 ALAN LAQUAGLIA: Thank you, Mr.
6 Farnsworth. Board, are any other questions
7 from the board. Can we take the screen down,
8 gentlemen? I can't see.

9 JOHN CORAK: Yeah. Sorry about that.

10 ALAN LAQUAGLIA: Thank you. Board, any
11 other questions?

12 GREGORY BABULA: Yes, Mr. Chairman.

13 ALAN LAQUAGLIA: Mr. Babula?

14 GREGORY BABULA: Yeah. Mr. Corak, I'm
15 going to ask you to put your screen back up.

16 JOHN CORAK: Okay.

17 ALAN LAQUAGLIA: You can put it back up
18 now.

19 GREGORY BABULA: I just had a question
20 about the first chart. The Excel - I guess
21 the Excel spreadsheet.

22 JOHN CORAK: Oh, sure.

23 GREGORY BABULA: So we have across the
24 top, so we have the different categories of
25 usage. And that represents - and I'm sorry.

1 The number in each cell represents what the
2 number of - of - of movements into the parking
3 lot?

4 JOHN CORAK: Right. So it's split into
5 entering and exiting. So it'd be an entering
6 trip and an exiting trip.

7 GREGORY BABULA: Okay. So we have
8 employees, we have mobile ordering, which is
9 going to be individual customers. We have the
10 walk in, sit down. So those are people
11 entering the restaurant. So delivery is self-
12 explanatory and then window only. So window
13 only is that people who are going to be
14 walking up to the outdoor pickup window and
15 placing an order on site?

16 JOHN CORAK: My understanding is that
17 it would be more similar to the mobile
18 ordering or the - the DoorDash, but they're
19 specifically using that window. The window is
20 not the place to actually make an order pay at
21 the window. You know, all those transactions
22 are handled inside.

23 So some of the, you know, the food
24 delivery, you know, may come inside.
25 Actually, I would expect most of it to, but

1 that was the - that was the idea behind this.

2 GREGORY BABULA: Okay. So obviously,
3 since this project has not been developed yet,
4 these are projections. You know, I know you
5 traffic guys engage in a little bit of black
6 magic, and you probably want to keep that
7 behind the curtain. But could you maybe
8 briefly explain what actually fed into these
9 numbers, how you arrived at these projections,
10 just to help us understand that?

11 JOHN CORAK: Right. So we work
12 directly with the applicant who does have that
13 information. We previously talked about that
14 Taco Bell at - in North Arlington, as well as
15 the Wendy's in Short Hills, both similar
16 individual sites. They're not, you know,
17 they're not the combination site, but they are
18 sites that have pick up only and no drive-
19 through. So these, you know, these these
20 rates are derived directly from those very
21 similar locations in the other areas.

22 GREGORY BABULA: Okay. So just to make
23 sure I'm interpreting this correctly. So for
24 example, looking at the 12:00 p.m. peak
25 interval, so that's a half an hour. So if we

1 look at a total column, so we're saying that
2 from 12:00 noon to 12:30, we expect 92
3 movements in and 92 movements out of the
4 parking lot. Is that correct?

5 JOHN CORAK: Correct.

6 GREGORY BABULA: So if we have 29
7 parking spaces, that would be like a - we'd
8 have to turn over each space like -

9 JOHN CORAK: About three times.

10 GREGORY BABULA: Three times in half an
11 hour.

12 JOHN CORAK: Right. Correct.

13 GREGORY BABULA: All right. Well, I
14 would share Mr. Lasek's -

15 JOHN CORAK: And even at an average of
16 ten-minute, you know, turnaround times,
17 that's - that's right there as far as as being
18 able to turn around those - those spaces and
19 the turnaround times are going to be
20 substantially faster than that.

21 GREGORY BABULA: So - so what you're
22 saying is basically that the limit on
23 turnaround would be ten minutes before we
24 would have - before we would exceed capacity.

25 JOHN CORAK: Right. Because you're

1 looking at, you know, 29 spaces that fits into
2 92 about three times. If you go back to the
3 fourth grade with the division. But, you
4 know, so that's basically three times to
5 turnover a space within a half hour. So
6 that's ten minutes. You know, three times ten
7 minutes is 30 minutes.

8 GREGORY BABULA: Right. So I guess
9 it's fair to say there would be a lot of
10 turnover during the 12:00 noon hour.

11 JOHN CORAK: Yes.

12 GREGORY BABULA: Well, that gives rise
13 to another thought. You know, I think Mr.
14 Lasek may have brought this up. I forget. So
15 it's a U-shaped driveway. So, you know, you
16 can't, like, circle the driveway. You know,
17 if you pull in and you can't find a spot.

18 So, I mean, let's just for the sake of
19 argument, you know, the parking lot is full at
20 12:30, you pull in, you make a right in off a
21 Broad Street, you pull in, there are no spaces
22 available. You get to the exit. You can't
23 make a left. You have to make a right.

24 You know, the only thing for people to
25 do would be to make a right and then somehow

1 wander, you know, find some way to wander back
2 to the restaurant. I mean, you know, was
3 there any thought given to, you know, what
4 happens in that situation?

5 JOHN CORAK: Right. So our objective
6 with the design layout was to facilitate as
7 much parking as possible to really eliminate
8 that condition. You know, certainly,
9 certainly, we can talk about
10 different - different possibilities of how
11 much volume this site is going to get, but
12 that's why we do have the amount of parking we
13 have.

14 GREGORY BABULA: Right. Well, all
15 right. No more questions. Thank you.

16 ALAN LAQUAGLIA: Mr. Babula. Can we
17 take the sheet down, gentlemen?

18 JOHN CORAK: One second.

19 ALAN LAQUAGLIA: Just have to see the
20 Board. Board members, are there any other
21 questions? I don't see any hands. Mr.
22 Phillips, you have a question, sir?

23 PAUL PHILLIPS: Thank you, Mr.
24 Chairman. I do. And I hate to do this, but,
25 Mr. Corak, can you put back up the first

1 spreadsheet?

2 So I know you answered this question
3 five minutes ago, but I'm not sure I
4 understood it. Can you explain to me the
5 difference between the mobile ordering column
6 and the window only column?

7 JOHN CORAK: Right, so - so the mobile
8 ordering column are orders made on the mobile
9 app, picked up by the customer themselves.
10 Typically, those - the volumes that we're
11 looking at the mobile ordering happen to be
12 the walk in side, whereas the - the window
13 only reflects utilizing that outside window
14 for the pickup.

15 I mean, they're essentially one in the
16 same but it's, you know, we - we're working
17 with Magellan (phonetic). These were the the
18 columns to fill in. And so we wanted to
19 essentially fill in the columns as presented.

20 PAUL PHILLIPS: So I'm still confused
21 and I apologize. Is there overlap?

22 JOHN CORAK: Right. If you order on
23 the mobile app, you can walk inside and pick
24 up your -

25 PAUL PHILLIPS: Right, I understand.

1 But are they mutually exclusive in terms of
2 the cumulative numbers is what I'm getting at.
3 So, in other words, is the window only outside
4 and the mobile ordering inside? And you look
5 at the numbers, and it's cumulative as part of
6 the - the demand, if you will.

7 JOHN CORAK: Right. That's - yes,
8 that's how I'm presenting it.

9 PAUL PHILLIPS: Okay. And do you know
10 whether the comparables that - I understand
11 there's no direct comparable in terms of a
12 facility with both businesses and that you
13 used individual restaurants for both Taco Bell
14 and Wendy's to come up with these accounts?
15 Is that not correct?

16 JOHN CORAK: That's correct. So
17 we - we took them individually.

18 PAUL PHILLIPS: And do you know what
19 the size and-or seating of these other two
20 restaurants are?

21 JOHN CORAK: Offhand, no. But we could
22 we could provide that information.
23 They're - they're very similar.

24 PAUL PHILLIPS: I think that's
25 important for the Board to have that

1 information to compare, particularly to
2 the - the amount of seating that you're
3 proposing here.

4 And then just lastly on the employees,
5 I noticed that there are very few basically
6 entering and exiting. And it looks like the
7 if I'm reading it right, the highest or the
8 only columns are four at the 7:00 and three at
9 the 4:00. Is that not correct? Am I reading
10 it right.

11 JOHN CORAK: You're reading it correct.
12 And the the reasoning for the lower number and
13 had the same question working with our
14 applicant is simply that the - the employee
15 rates anticipated for the site, it's not the
16 number of employees that we're looking at
17 here. It's this is the number of vehicle
18 trips coming in and out of the site.

19 And for these land uses and based on
20 our applicant's history and developing these
21 types of sites, a very significant proportion
22 of that employee count utilizes means other
23 than the vehicle to come to the site.

24 Typically it's transit use, you know,
25 to arrive or depart the site itself. So

1 that's why we have those numbers that don't
2 necessarily reflect the 12 employees or so
3 that - that our site plan application
4 provides. But that is because those employees
5 are not anticipated to arrive by car or even
6 be parking on the site.

7 PAUL PHILLIPS: Which is obviously, as
8 you can guess why I asked the question,
9 because I think at the last meeting, there was
10 a proffer that, if I have my notes correct,
11 that there was a peak of 14 employees amongst
12 the two restaurants combined.

13 And obviously when I saw this chart
14 basically for the first time today, the
15 question was, am I correct that you're
16 assuming that most of the employees are not
17 going to drive? Is that the case? And is it
18 your representation on behalf of the applicant
19 that the amount of employee parking based on
20 how you believe employees will get to the site
21 will be accommodated on site based on these
22 numbers? Is that - I just want to understand
23 that that's the testimony.

24 JOHN CORAK: Right? So yeah. The
25 number of employees who have vehicles or drive

1 to the site itself is essentially what is
2 represented here within this sheet. And so
3 the idea of 12 or 14 vehicles parked on the
4 site for employees is a bit misguided because
5 there will not be that many employees with
6 vehicles at the site itself.

7 PAUL PHILLIPS: So am I correct in
8 assuming that during the peak shift, no more
9 than 4 of the 14 will park on site? Do I have
10 that right?

11 JOHN CORAK: Right. That's - that's
12 how these other sites you know that - that our
13 applicant owns and operates.

14 PAUL PHILLIPS: Okay.

15 JOHN CORAK: And that's how
16 they - that's how they work. Yes.

17 PAUL PHILLIPS: Okay. And Mr. Corak,
18 just apologize. Just one more question. I
19 just want to be clear, and I know Mr. - Mr.
20 Intindola made this representation as well.

21 JOHN CORAK: One second, Mr. Phillips.
22 I'm getting feedback from myself.

23 (Feedback)

24 PAUL PHILLIPS: I'm sorry. The last
25 question I had is I know Mr. Intindola

1 indicated that he said there were no
2 comparables in terms of the dual restaurant
3 use. Is that also your understanding that you
4 had no ability to look at application as
5 well -

6 ALAN LAQUAGLIA: We're getting back
7 feed here. Does somebody have a radio on or
8 something? I'm sorry, Mr. Phillips, would you
9 ask that question again? I'm hearing multiple
10 voices here.

11 PAUL PHILLIPS: Yeah, I'm sorry, Mr.
12 Chairman. I'm hearing them, too. I just want
13 to be clear that from the applicant and the
14 expert's perspective, there were no other
15 comparables out there where empirical evidence
16 could have been gathered where there is a
17 comparable facility with two businesses
18 operating together, each with their own
19 individual pickup window and no drive-through
20 service.

21 JOHN CORAK: So the - the no drive-
22 through service is the - probably the key
23 component of this. The outside window is
24 certainly the secondary component of this. We
25 were not able to identify any other sites that

1 operate with that specific exact
2 configuration. There's certainly a number of
3 dual fast food restaurant users operating on
4 the same site.

5 We actually did study one of those in
6 Wayne, New Jersey, which was the Burger
7 King/Popeyes, where one of the users has a
8 drive-through, but the the other one does not.
9 But as far as two users on a site, neither
10 with drive-through that is the - that is the
11 comparable that we - that we don't have in New
12 Jersey.

13 PAUL PHILLIPS: Okay. I thought that's
14 what you said. I just want to be clear.
15 Thank you, Mr. Chairman. I don't have any
16 further questions.

17 ALAN LAQUAGLIA: Thank you, Mr.
18 Phillips. Are there any other questions from
19 the Board regarding the sheet that's up here
20 now, before we take it down again.

21 JOHN CORAK: I'll let you see the
22 Board. It's okay.

23 ALAN LAQUAGLIA: It is down. Board
24 members, any other questions for Mr. Corak or
25 Mr. Intindola? I don't see any hands.

1 Amanda, do you see any hands? I don't see
2 anybody. Okay. Mr. Marucci, do you have any
3 questions for Mr. Corak?

4 ANTHONY MARUCCI: No, no, Mr. Chairman,
5 I all the questions that were already asked.
6 I have no - no further questions.

7 ALAN LAQUAGLIA: Thank you, sir. Okay.
8 In that case, are there any questions from the
9 public regarding Mr. Corak's testimony only?
10 I see a Natalie Paulino. Identify yourself,
11 ma'am.

12 NATALIE PAULINO: Hi, my name is
13 Natalie Paulino.

14 ALAN LAQUAGLIA: Your address?

15 NATALIE PAULINO: 27 Overlook Terrace.

16 ALAN LAQUAGLIA: Okay. And what's your
17 question for Mr. Corak?

18 NATALIE PAULINO: So I know there was a
19 lot of talk of the vehicles coming out of the
20 restaurant. And since they're unable to make
21 the left, making a right, going over the
22 parkway and whipping around. But I think the
23 reality is that they'll probably make a left
24 and cut through Overlook Terrace since it's
25 the first left they can make to get back on

1 Broad Street.

2 Were there any studies done on traffic
3 through Overlook Terrace? Because traffic at
4 certain times during the day is very busy
5 around here. It's a 25-mile-per-hour zone,
6 and most of the time to avoid the light at the
7 Provident Bank, cars are crossing through
8 here, and traffic is pretty busy.

9 JOHN CORAK: Right. So our - our
10 traffic study extents, which were worked out
11 with - with the Board's traffic engineer, Mr.
12 Intindola, Neglia (phonetic), our traffic
13 study extents really focused on Broad Street
14 between McClure (phonetic) Lane and West
15 Passaic Avenue.

16 You know, the site very much functions
17 as as a pass by use the right in/right out
18 configuration and ultimately, you know, the
19 amount of volume that could travel toward
20 Overlook Terrace, I think, will be - be
21 minimal and not have an adverse impact on the
22 roadway network. So that's why it wasn't
23 included in the study extents.

24 ALAN LAQUAGLIA: Is that something that
25 could be studied, Mr. Corak Or Mr. Intindola,

1 either one?

2 BRIAN INTINDOLA: So we could check the
3 traffic volumes on Overlook Towers. We can do
4 that pretty quickly in between hearings,
5 whether the applicant's traffic engineer does
6 it or myself, it doesn't really matter. But
7 we could look into that because that is the
8 first wraparound street that brings you
9 through right past the fields.

10 So we can look at what the traffic
11 volume - volumes are there now. I think
12 they're pretty close when they count it over
13 by the - do you guys - did you guys count over
14 by the - the rest stop that's now closed? I'm
15 talking to Mr. Corak.

16 JOHN CORAK: No, no, our - yeah, we
17 just - we kind of bookended the site on Broad
18 Street.

19 BRIAN INTINDOLA: No, that's fine. I
20 mean, between now and the next hearing, we
21 could get those traffic volumes to see what
22 the -

23 ALAN LAQUAGLIA: That would be
24 something that the Board could
25 be - should - will be interested in and the

1 possible increase in traffic, as Ms. Paulino
2 stated. A lot of people don't follow the
3 rules. And as traffic engineers, you
4 gentlemen well know that. They might not
5 necessarily drive over the parkway and go
6 around the Watchung. They might make the left
7 turn and then make a quick left up Overlook or
8 Mountain and then shoot back.

9 BRIAN INTINDOLA: I don't know if this
10 gives the board any comfort, but the - for me
11 knowing the area, if I need to come back
12 around, I would do a right out, cross the
13 parkway, down Day, wrap back around to Byrd,
14 and make a left at the traffic light at Byrd
15 because it's - you can - because - because
16 then you know you can get a gap in traffic to
17 come back around. It's instead of making
18 the -

19 ALAN LAQUAGLIA: Okay. That's. I
20 understand what you're saying. I'm familiar
21 with the area.

22 BRIAN INTINDOLA: Right.

23 MICHAEL RUBIN: But you can't make you
24 can't make a left turn in. So that does you
25 no good.

1 BRIAN INTINDOLA: Right.

2 MICHAEL RUBIN: You got to make a right
3 turn. You have to go all the way around. All
4 the way.

5 BRIAN INTINDOLA: All the way around.
6 You're right.

7 ALAN LAQUAGLIA: Yeah. And then, of
8 course, you'd have a - you're saying that
9 there could be a traffic increase on Bay and
10 Byrd where there's also a grammar school?

11 BRIAN INTINDOLA: Yeah. Yeah,
12 absolutely. It's like I said,
13 it's - there's - I believe the applicant can
14 agree with me. It's an awkward site, you
15 know, because of the way the - even if the
16 left turns are - they're prohibitioned, it's
17 tough to make that turn that you would want to
18 have made if the left was available. And I
19 think that's why we'll look at Overlook
20 Terrace, as well, to see what the potential
21 impacts do.

22 ALAN LAQUAGLIA: And you know what?
23 There's also the safety factor making the
24 right turn out and then making the left turn
25 to continue on Broad Street because now you're

1 crossing.

2 BRIAN INTINDOLA: You've got to come
3 back. Yes, absolutely.

4 ALAN LAQUAGLIA: That could be a safety
5 issue also. But gentlemen, we can look into
6 that.

7 Mr. Lasek, you have your hand up?

8 PAUL LASEK: Yeah. I may have traffic
9 counts for Overlook that were done by our
10 traffic division.

11 ALAN LAQUAGLIA: Okay.

12 PAUL LASEK: Certainly. I can look, if
13 someone contacts me, if either the engineers
14 contact me, I can look them up and maybe give
15 you some idea of what - they might be a little
16 couple of years old, but they'll kind of show
17 you what's going on there to some extent it,
18 might be helpful. Just contact my office and
19 I'll see if I can get them for you.

20 BRIAN INTINDOLA: Well, not to belabor
21 the point. I do - we do know that the - like
22 systemically, there is a peak hour which the
23 count - with the - which Mr. Corak has
24 determined, and we agree with that peak hour.

25 So it may be that he only has to do a

1 single peak hour count, you know, not do the
2 full four-hour count to determine what the
3 peak hour there, because it's very similar in
4 that neighborhood. So that - that may be him
5 and I can work out the time period so that the
6 effort to do a - a four and four count, hour
7 count is not needed because we know what the
8 peak hour of the system is already.

9 ALAN LAQUAGLIA: But if I could just
10 interrupt for a second. You would do that as
11 the busiest time?

12 BRIAN INTINDOLA: Yes. We know in the
13 busier times around Broad Street. So we would
14 able to narrow that to - at Overlook, and I
15 think that the best thing to do is do the T-
16 intersection at Broad and Overlook and see
17 what the existing traffic volumes are.

18 ALAN LAQUAGLIA: Overlook coming out to
19 Broad.

20 BRIAN INTINDOLA: Right. And then it
21 comes back around.

22 ALAN LAQUAGLIA: Yes. Right. And that
23 would be that would be a good idea. Thank
24 you, gentlemen.

25 AMANDA WATERS: Mr. Chairman, Mr.

1 Trimboli has been waiting.

2 ALAN LAQUAGLIA: Mr. - we all know
3 Councilwoman Mundell. We do the board members
4 first.

5 AMANDA WATERS: Oh, I thought you had
6 already started with the public.

7 ALAN LAQUAGLIA: We always go back to
8 board members.

9 AMANDA WATERS: Okay.

10 ALAN LAQUAGLIA: He'll have his turn.
11 Councilwoman?

12 JENNY MUNDELL: Thank you. When you do
13 that traffic count for Overlook, can you also
14 include Morley Meadow? And I think it's
15 McLeod or McLeod Street as well. I'm sorry.
16 Go ahead.

17 JOHN CORAK: We have McLeod already.

18 JENNY MUNDELL: You do have McLeod.
19 Can you do Morley and Meadow as well? Because
20 I think those are also streets that people
21 would turn - Like if they can't make the left,
22 they might turn on.

23 ALAN LAQUAGLIA: Morley and McLeod are
24 on the same side as the - the proposed - the
25 application you're doing.

1 JOHN CORAK: Right. They're the left
2 turns - the left turns after the - the site if
3 you're trying to enter.

4 ALAN LAQUAGLIA: Yeah.

5 JENNY MUNDELL: Yeah. Thank you.

6 ALAN LAQUAGLIA: Do a study on that,
7 too, then, gentlemen.

8 STEPHEN JOSEPH: So can we just
9 get - why are we looking for the traffic
10 counts on those streets if it's - if it's
11 before the site?

12 ALAN LAQUAGLIA: I believe.
13 Councilwoman, did you want to - Councilwoman,
14 did you want to explain or?

15 JENNY MUNDELL: I just think those are
16 the streets that people will U-turn in also.

17 STEPHEN JOSEPH: Right. But related
18 to - related to this site since
19 it's - it's - before those are before the fire
20 station. So you wouldn't U-turn in there to
21 get to - to get to the site since you're able
22 to turn into the site by continuing down that
23 way?

24 ALAN LAQUAGLIA: Well, no, actually -
25 (Overlapping voices)

1 ALAN LAQUAGLIA: - if you're traveling
2 south on Broad Street, past the site.

3 JENNY MUNDELL: Right.

4 ALAN LAQUAGLIA: You can't turn left
5 into it.

6 JENNY MUNDELL: Correct.

7 ALAN LAQUAGLIA: So that might be where
8 you might turn around.

9 STEPHEN JOSEPH: Okay.

10 ALAN LAQUAGLIA: You follow what I'm
11 saying?

12 STEPHEN JOSEPH: I think so.

13 ALAN LAQUAGLIA: Well, in other words,
14 say you're coming over the Parkway Bridge.
15 Okay. And now you're on Broad Street. You
16 can't turn left into the -

17 STEPHEN JOSEPH: You can't turn left in
18 so you go down to the next block and then turn
19 around.

20 ALAN LAQUAGLIA: Make a left and turn
21 around. So the councilwoman made a good point
22 there.

23 STEPHEN JOSEPH: I understand. I
24 understand now. Thank you for the
25 clarification.

1 ALAN LAQUAGLIA: Thank you. All right.
2 Any other Board members first? I don't see
3 any hands, Amanda, do you?

4 AMANDA WATERS: No.

5 ALAN LAQUAGLIA: Okay. Mr. Trimboli, I
6 know you've been waiting, sir. Identify
7 yourself and your address.

8 GLENN TRIMBOLI: Yeah, no problem.
9 Glenn Trimboli. 48 Wilbur Terrace,
10 Bloomfield. I don't know about all you guys,
11 but if you don't look at this as a complete
12 cluster, I can't imagine how you're looking at
13 this.

14 ALAN LAQUAGLIA: Well, right now you
15 have to ask -

16 GLENN TRIMBOLI: But I'm going to ask
17 the question. I'll ask my question. So first
18 on the spreadsheet, on the graph, you should
19 probably overlay the traffic overlay over the
20 proposed extra traffic that you have coming
21 from the new proposed Wendy's, and I mean,
22 Wendy's and Taco Bell. Just to kind of get an
23 idea of where that maximum traffic might be.

24 Also, when you did the - the counts on
25 the spreadsheet, did you - you said you took

1 studies from a single-use Wendy's without a
2 drive. Single-use Taco Bell without a drive-
3 through. Now, when you did it to our site,
4 did you double all the numbers? Because it's
5 two restaurants?

6 JOHN CORAK: Right. So it's Wendy's
7 plus Taco Bell.

8 GLENN TRIMBOLI: Right. So the study
9 you looked at for Wendy's, that was a single-
10 use and a single-use Taco Bell, separate
11 stores, separate places. So the numbers from
12 Wendy's plus the numbers from Taco Bell, you
13 added them together to get our site.

14 JOHN CORAK: Yes. It is not an
15 average. It is an addition.

16 GLENN TRIMBOLI: It's addition. Okay.

17 JOHN CORAK: Yeah.

18 GLENN TRIMBOLI: The other thing just
19 to keep in mind, I know you mentioned it, but
20 when you have the drive-through coming up, you
21 say it's all Uber people and regular people
22 coming up to this pickup window. Without a
23 drive-through and with phones today, I mean,
24 it's common sense tells you if you don't have
25 a drive-through, well, let me just call on the

1 phone. So in essence, it's a drive-through
2 with phones, and it's worse than a drive-
3 through because now everybody has -

4 ALAN LAQUAGLIA: Mr. Trimboli, you have
5 to ask a question.

6 GLENN TRIMBOLI: Okay, so my question
7 is, my question is this. My question is - my
8 question is this.

9 (Overlapping voices)

10 MICHAEL RUBIN: Mr. Intindola, can you
11 mute? Thank you. Go ahead. I'm sorry.

12 ALAN LAQUAGLIA: I'm sorry. Mr.
13 Trimboli. Ask your question, sir.

14 GLENN TRIMBOLI: That's okay. There's
15 only one space per restaurant for - for
16 pickup?

17 JOHN CORAK: There's one designated per
18 restaurant for the - for the pickup. So if
19 there's - if there's. Go ahead. Go ahead.

20 GLENN TRIMBOLI: No. So anyway, so
21 let's be clear. A drive-through at peak hours
22 is busy. Not everyone's going to look for a
23 spot. That's going to back up, say, onto
24 Broad Street. Now, the people that are
25 parking in the parking spots or even the guy

1 in the drive-through, how are they going to
2 get out of their spots when you can have a
3 line of people waiting?

4 MICHAEL RUBIN: There's no drive-
5 through, sir.

6 GLENN TRIMBOLI: Physically stop -

7 MICHAEL RUBIN: There's no drive-
8 through? It's a no -

9 GLENN TRIMBOLI: I know it's not a
10 drive-through. I'm very clear on that. My
11 point.

12 (Overlapping voices)

13 GLENN TRIMBOLI: - drive-through
14 because you have to drive in there, park your
15 car, get out of your car, get your food, get
16 back in your car and leave. It's much worse
17 than a drive-through. If you think about it
18 now, you have Uber drivers -

19 MICHAEL RUBIN: Well, it depends on how
20 many parking spaces.

21 GLENN TRIMBOLI: My question is, how do
22 you control that volume? 92 people in 30
23 minutes doing that? It's impossible. I don't
24 know how you think.

25 MICHAEL RUBIN: Sir, sir, sir,

1 questions.

2 GLENN TRIMBOLI: That's my question.

3 MICHAEL RUBIN: Questions. Questions.

4 GLENN TRIMBOLI: My question is, how is
5 that possible? I don't know -

6 JOHN CORAK: I'd be happy to answer
7 this.

8 ALAN LAQUAGLIA: Please.

9 JOHN CORAK: Great. So with the
10 traditional drive-through, a motorist pulls up
11 to the menu board, has to read the menu board,
12 decide what they want to order, place the
13 order. Then the food has to be prepared. The
14 customer has to pay for it.

15 They have to go through that full
16 transaction, receive their food. And all of
17 that process takes several minutes. With a
18 mobile order, with an Uber Eats order or
19 otherwise, all those orders are placed in
20 advance. People place those orders and then
21 arrive to the site.

22 So is more akin to - the best example I
23 can think of is some of the new Chipotle
24 developments where they have what they call
25 the Chipotle lane. And essentially you - it's

1 not - it doesn't function as a drive-through.
2 You can't order at that lane. You essentially
3 pull up, you say your name, they give you your
4 order, and you're on your way. It is
5 extremely fast and extremely efficient, and it
6 works much differently than a drive-through.

7 And this is going to be in a more
8 similar vein to that, where this is not
9 operating as a drive-through. These - these
10 orders are placed in advance, these orders are
11 picked up very quickly. You're able to
12 achieve very high turnover and ultimately
13 achieve the turnover that's needed to process
14 the customer base that we would expect for
15 this store.

16 GLENN TRIMBOLI: So another question on
17 the employees. So if more than four employees
18 bring cars there, are they going to be asked
19 to park somewhere else, like in the
20 neighborhood?

21 JOHN CORAK: No, the - the employee
22 count as far as parked cars can be
23 accommodated on the site itself. We don't
24 expect all the employees to have cars. If
25 it's four, if it's five, if it's three, it'd

1 be parked on the site.

2 GLENN TRIMBOLI: Yeah. My last concern
3 is just the - the backup of the cars with the
4 traffic, with the Station 4 firehouse. There
5 was a guy, I think he was killed there last
6 week. I was there when it happened. So it's
7 an extremely dangerous, dangerous
8 intersection.

9 So I hope you guys get your - your
10 facts in order on security, especially with
11 that firehouse and everything else.

12 ALAN LAQUAGLIA: Do you have a
13 question, Mr. Trimboli?

14 GLENN TRIMBOLI: I'm just saying I -

15 ALAN LAQUAGLIA: No, you can make a
16 comment later. There are certain times that
17 do certain things. Okay.

18 GLENN TRIMBOLI: I'm sorry. I
19 apologize. Okay.

20 ALAN LAQUAGLIA: That's no problem,
21 sir. You don't know the rules.

22 GLENN TRIMBOLI: I appreciate that very
23 much. All right. I'm done for now.

24 ALAN LAQUAGLIA: Thank you, Mr.
25 Trimboli.

1 GLENN TRIMBOLI: Yep.

2 ALAN LAQUAGLIA: Is there anyone else
3 from the public? Mr. Marucci, you have a
4 question, sir?

5 ANTHONY MARUCCI: Based on what I've
6 been hearing, Mr. Corak, when we - when you
7 speak about the number of employees and you
8 say maybe four employees are going to park
9 there, you have two restaurants. Doesn't each
10 restaurant have a manager and an assistant
11 manager?

12 JOHN CORAK: Depending on - yeah, it
13 depends on specific shifts, but also to
14 that - to that point, one of the suggestions
15 from Mr. Intindola was to designate the area
16 in front of the - the trash enclosure for
17 parking, and that would be typically occupied
18 by, you know, by those managers.

19 ANTHONY MARUCCI: That is a concern
20 because when we talk about number of
21 employees, I think when you have two
22 restaurants and you have management for each
23 restaurant, I think you're going to have more
24 than four employees that are going to be using
25 the parking lot. That's - I don't want to get

1 into my testimony right now. I'll save that
2 for - for later.

3 JOHN CORAK: I mean, the number - the
4 number of four employees, you know, that's
5 that start at 7 o'clock in the morning, right?
6 That's that low turnover breakfast time,
7 right? That certainly includes manager. You
8 need to have managers there when the store
9 opens.

10 And so the - the increase in employees
11 and the increase in - in volume throughout the
12 day, you know, it does - it does start to
13 increase. But you know, the ability to
14 provide sufficient parking, I think we've met.
15 We have a compliant parking supply, and the
16 number of employees parking their cars is part
17 of that.

18 ANTHONY MARUCCI: Understood. You meet
19 the ordinance. But again, I don't want to go
20 into my comments. I'll do that later. No
21 more questions.

22 ALAN LAQUAGLIA: Okay, Mr. Marucci.
23 Board members, any more questions?

24 MICHAEL RUBIN: Mr. Chairman, I just
25 have one question, Mr. Chairman. Michael

1 Rubin.

2 ALAN LAQUAGLIA: Yes, Mike?

3 MICHAEL RUBIN: You've said a couple
4 times and I agree that technically, you meet
5 the ordinance. But there's also been a
6 suggestion by Mr. Intindola that this is a new
7 use, one that isn't really contemplated by the
8 ordinance, both in terms of having two fast
9 food restaurants in one site, as well as the
10 pickup services that are going to be used.

11 I guess my question is how do we
12 account for that as a Board in terms of trying
13 to determine whether or not this site will
14 will work? These numbers have not been
15 compared to ITE numbers yet, and I think that
16 that is something that needs to be explored a
17 little more.

18 Because if - if these numbers are less
19 than ITE and ITE is the numbers that we should
20 be looking at, then perhaps these numbers
21 don't help us very much.

22 So I think there needs to be some
23 clarification as to exactly how this site is
24 going to work, given the numbers you have as
25 well as are these numbers real? I don't know

1 how to determine that, and I don't know how
2 the Board is going to make a determination
3 that this site is going to work because really
4 the issue is, is 29 parking spaces enough
5 given the anticipated volumes of pickup, you
6 know, preorder pickup?

7 And if nobody really knows how many
8 people that's going to be and how many cars, I
9 mean, let's say you have six different Uber
10 trucks or different six different Uber
11 vehicles who show up between 6:15 and 6:30.
12 What happens?

13 There's one other question I want to
14 raise. There was some suggestion I saw that
15 you were going to make six EV - electric
16 vehicle charging station spots. Electric
17 vehicle charging station spots can only be
18 used by electric vehicles and only to charge
19 in public parking spaces under the uniform
20 ordinance.

21 So if - if you are going to create six
22 EVCS - electric vehicle charging
23 stations - spots, those spots are going to be
24 empty. If you're talking about people who are
25 pulling in, staying for two or three minutes

1 and leaving. They will not be able to park
2 there under - under the law, which states as
3 follows: public parking pursuant to NJSA 40
4 Column 48-2 publicly accessible EVS parking
5 spaces shall be monitored by the
6 municipalities' police department and enforced
7 in the same manner as any other parking. It
8 shall be a violation of this section to park
9 or standing (break in audio).

10 ALAN LAQUAGLIA: Mike, we're losing
11 you.

12 MICHAEL RUBIN: - space or any electric
13 vehicle parked and not connected to the EVS
14 space shall be subject to fine and/or
15 impoundment of the offending vehicle,
16 describing the general penalty provisions of
17 this municipal code.

18 So essentially, if you create six EVS
19 spaces, they're never going to be used.
20 Because no one's going to be there long enough
21 to charge their vehicle.

22 STEPHEN JOSEPH: So did did Bloomfield
23 adopt the model ordinance -

24 MICHAEL RUBIN: No, it's applicable
25 whether - it's applicable whether they adopt

1 it or not.

2 STEPHEN JOSEPH: Municipalities are
3 entitled to make certain modifications to the
4 model -

5 MICHAEL RUBIN: But not to those
6 standards, not to those standards.

7 STEPHEN JOSEPH: To whether - whether
8 only vehicles can park there. I believe
9 municipality can - can modify. And that is
10 something that I believe I've seen before.
11 But the EV spaces, I think, also reduce the
12 required number of parking if a certain amount
13 are -

14 (Overlapping voices)

15 MICHAEL RUBIN: No, what I'm saying to
16 you is municipalities may deviate from the
17 reasonable standards set forth in Section F to
18 address installation, site line, and setback
19 requirements or other health and safety
20 related specifications for EVS to make ready
21 spaces. You can't change the other
22 requirement that these are subject to Title
23 28, 48, 4048, and you can't park there unless
24 you're charging.

25 So something needs to be done about

1 whether or not you're really going to allocate
2 six spaces for electric vehicle charging
3 because if they're only going to be there, as
4 you've suggested, for a couple of minutes,
5 they're going to be empty forever, and that's
6 going to be six less spaces that you're going
7 to have for customers and Uber and DoorDash.

8 STEPHEN JOSEPH: Sure. So, I mean, we
9 don't have to provide six EV-ready spaces. I
10 think that was a suggestion by - by the Board
11 or someone from the public at the last meeting
12 that we were happy to comply with.

13 STEPHEN JOSEPH: Right.

14 JOHN CORAK: This is John Corak,
15 traffic engineer. We're required one EV
16 space, and per the request of Mr. Intindola at
17 one of the previous meetings, he suggested
18 that we provide the conduit infrastructure,
19 essentially to make those spaces as EV-ready
20 spaces, essentially be able to provide that
21 electric vehicle infrastructure in the future
22 when there's sort of this expectation that
23 electric vehicles will become, you know, a
24 greater proportion of the user base today.
25 And that's meant to serve as a total benefit,

1 but it's not something that we need to do. We
2 put it in as a suggestion from the traffic
3 engineer.

4 MICHAEL RUBIN: How does anyone benefit
5 for a future electric vehicle charging station
6 if they're only going to be there for a couple
7 of minutes?

8 (Overlapping voices)

9 JOHN CORAK: It was a request for Mr.
10 Intindola and we agreed to it, Mr.
11 Rubin - that's -

12 (Overlapping voices)

13 JOHN CORAK: We'd be happy to take it
14 off. It doesn't matter to us.

15 MICHAEL RUBIN: No, but we have to
16 think about this stuff. We have to, like,
17 come forward with proposals that make sense.
18 And you know, rather than just saying, yes,
19 Mr. Intindola made the suggestion, so we're
20 going to agree to it, we need to think about
21 the implications of that.

22 JOHN CORAK: The implications of -

23 MICHAEL RUBIN: What I'm suggesting to
24 you is the implications of that is that you're
25 going to only have 23 parking spaces instead

1 of 29.

2 JOHN CORAK: Well, the implication
3 right now is we're installing conduit and not
4 designating any spaces as EV except for the
5 one next to the mobile pickup.

6 That's - that's where it stands right now.
7 All it does is future-proof us to be able to
8 provide it should ordinance change, should
9 other market characteristics change. It's -

10 MICHAEL RUBIN: But - but I don't - I
11 don't get it. Give me - give me the logic
12 behind putting EVS stations in a fast food
13 restaurant parking lot.

14 STEPHEN JOSEPH: I think what John's
15 saying is that we're - we're not.
16 That's - that's not what's being proposed.
17 It's - it's just putting the infrastructure
18 there. We're just running the wire.

19 MICHAEL RUBIN: If you put the
20 infrastructure in and then convert it, we're
21 dead.

22 STEPHEN JOSEPH: I would - I would say
23 the same thing about -

24 MICHAEL RUBIN: We have no control over
25 that. And we've lost six parking spaces.

1 That's my problem. We don't control when you
2 make that conversion or how you make that
3 conversion or even if you make that
4 conversion. We just know that once you make
5 that conversion under the model ordinance that
6 exists today, we lose six parking spaces. And
7 I don't think that based upon the testimony
8 we've heard today we can afford that.

9 STEPHEN JOSEPH: We're - we're happy to
10 to remove the infrastructure. It's - you
11 know, it would reduce costs for - for my
12 client. We're happy - happy to reduce the
13 infrastructure and just keep the one required
14 EV space. You know, we're trying to, you
15 know, bend over backwards to provide the Board
16 with all the information they need and comply
17 with all the - the review letters and do
18 as - as much as we can here to comply with the
19 Board's - the Board's requests.

20 MICHAEL RUBIN: Just so you know, all
21 sections of the model orders become effective
22 in each municipality upon its publication on
23 the Department of Community Affairs internet
24 website. It does not require municipalities
25 to adopt them.

1 ALAN LAQUAGLIA: Mr. Rubin, say that
2 again, sir, please.

3 MICHAEL RUBIN: The - the model
4 ordinance becomes effective in each
5 municipality upon its publication on the
6 Department of Community Affairs internet
7 website. It does not need to be adopted by
8 each individual municipality to become
9 effective. Bloomfield has not adopted this
10 ordinance, but that does not mean it is not
11 effective in Bloomfield.

12 STEPHEN JOSEPH: Yeah, I agree.

13 ALAN LAQUAGLIA: Well, I'm not a
14 lawyer. Explain that in layman's terms.

15 MICHAEL RUBIN: Basically, the state
16 passed this electric vehicle charging station
17 statute, and as part of the statute gave the
18 Department of Community Affairs the power to
19 publish a model ordinance that will be
20 effective in all municipalities, even though
21 the municipalities themselves don't adopt it.

22 ALAN LAQUAGLIA: So how does that leave
23 this?

24 MICHAEL RUBIN: So in other words, this
25 ordinance tells us that if they put six EV

1 electric vehicle charging stations on this
2 site, they would have to be monitored by the
3 police department. And anybody who parked
4 there who wasn't charging could be towed.

5 ALAN LAQUAGLIA: And if they put one,
6 it's still the same effect then, correct?

7 MICHAEL RUBIN: Yes, but - but - but by
8 law, they have to put one.

9 ALAN LAQUAGLIA: Okay.

10 MICHAEL RUBIN: But there was a
11 suggestion they were going to put six. And
12 when I'm saying is six in a fast food
13 restaurant makes no sense because no one can
14 park there if they're only going to be there
15 for a few minutes to pick up their food.

16 ALAN LAQUAGLIA: And that's something
17 Mr. Corak and Mr. Intindola's got to work on.

18 MICHAEL RUBIN: Well, I think we should
19 just eliminate the five of them and leave
20 regular parking spaces and have one electric
21 vehicle charging station as required by
22 ordinance and statute. And that should be it.

23 BRIAN INTINDOLA: Right. I apologize
24 if this caused any consternation for the EV
25 spaces. I'm just cheap when it comes to

1 construction. And if you could put them in
2 during construction and then put the - the EV
3 stations in later, I just thought that was
4 being efficient.

5 But if it makes the spaces mutually
6 exclusive, then they shouldn't go in because
7 now we know the information that we got
8 tonight for the spreadsheet that we're going
9 to need every space all the time.

10 ALAN LAQUAGLIA: Mr. Corak, I
11 understand that that's something that has to
12 be to Mr. Joseph - that something has to be
13 changed.

14 JOHN CORAK: 100 percent understood.

15 STEPHEN JOSEPH: Yeah. I think we, you
16 know, we agreed to that as a condition. We
17 could just not agree to that as a condition.
18 That's - that's totally fine. I think the Bar
19 Association issued some guidance on this as
20 well. I remember seeing some literature on
21 this. So I'm going to - I'm going to look for
22 that as well.

23 MICHAEL RUBIN: I'm not defending it.
24 I'm just telling you.

25 STEPHEN JOSEPH: No, I think a lot of

1 it's silly, and a lot of it's not clear. But
2 we my firm represents some municipalities as
3 well as municipal counsel and redevelopment
4 counsel. We've encountered this relatively
5 recently. So I just - I remember reading
6 something somewhere with some guidance on
7 this. So I'm - I'm going to look into that as
8 well.

9 MICHAEL RUBIN: It's a real problem
10 when it comes to residential because you have
11 to designate your spaces now. If you don't
12 designate your spaces in residential, then it
13 becomes a public parking lot, and the electric
14 vehicle charging stations can't be used except
15 by vehicles that are actually charging. So
16 it's really changed the dynamic of residential
17 developments.

18 STEPHEN JOSEPH: Yeah. The big problem
19 in towns with parking shortages. But we digress
20 a little bit. I would like to get to the
21 architectural testimony and if possible, the
22 planning testimony tonight.

23 ALAN LAQUAGLIA: Well, we're only going
24 to probably, you know, we're not going to go
25 all night, Mr. Joseph and -

1 STEPHEN JOSEPH: Understood.

2 ALAN LAQUAGLIA: This ran a little
3 longer than we anticipated. And again, you
4 will have to come back. The traffic engineer
5 will have to come back.

6 STEPHEN JOSEPH: Of course. Of course.
7 Which is why the architectural testimony
8 should be simple and short. So let's - let's
9 see what we can get through. We'll play it by
10 ear, but, you know, the next meeting I'd like
11 to try to focus on what seems to be the big
12 issues for the Board and spend some more time
13 on that.

14 ALAN LAQUAGLIA: (Inaudible) before we
15 do that, are there any other questions from
16 the Board (inaudible)? I see no hands. Okay,
17 that portion is closed. All right. Let's
18 just take five-minute break. We've been on
19 here for two hours, and then we'll go back to
20 bring the architect in then, correct, Mr.
21 Joseph?

22 STEPHEN JOSEPH: Yes, exactly.

23 ALAN LAQUAGLIA: That's five minutes,
24 Board.

25 (Recess taken)

1 ALAN LAQUAGLIA: Okay, Mr. Joseph, your
2 people back?

3 STEPHEN JOSEPH: I believe everyone is
4 back. Erik Liepins is going to be our next
5 expert this evening. He was not sworn in
6 previously, so we will need to swear him. And
7 he is our licensed architect.

8 ALAN LAQUAGLIA: Let me just put on the
9 record that Board member Marvette Richardson
10 has been signed on since 7:34. Is that
11 correct, Amanda?

12 AMANDA WATERS: Yes, that's correct.

13 Alan LAQUAGLIA: 7:34. She's been
14 here. She's just listening. Okay, continue,
15 Mr. Joseph, please.

16 STEPHEN JOSEPH: All right. So, Erik,
17 let's get you sworn in first, and then we'll
18 qualify you.

19 ERIK LIEPINS: Sure. Okay.

20 AMANDA WATERS: Do you swear that the
21 testimony you are about to give is the truth,
22 the whole truth, and nothing but the truth?

23 MR. GREEN: Yes.

24 AMANDA WATERS: Okay. Please state
25 your first and last name for the record.

1 ERIK LIEPINS: Sure. It's Erik
2 Liepins. That's E-R-I-K L-I-E-P-I-N-S.

3 AMANDA WATERS: Thank you.

4 STEPHEN JOSEPH: Okay. So, Erik, you
5 are a licensed architect in the State of New
6 Jersey and your license is in good standing,
7 correct?

8 ERIK LIEPINS: Yes.

9 STEPHEN JOSEPH: And can you just give
10 us a brief summary of your education and
11 confirm you've testified before other Boards
12 in the past?

13 ERIK LIEPINS: Sure. So I received my
14 bachelor's of architecture from New Jersey
15 Institute of Technology. Currently the
16 principal architect at Zelta Design with my
17 office at 139 Chestnut Street in Nutley, New
18 Jersey. And I've testified in front of
19 numerous Boards throughout the State of New
20 Jersey.

21 STEPHEN JOSEPH: I would ask that the
22 Board accept Eric's qualifications.

23 ALAN LAQUAGLIA: We accept them, Mr.
24 Joseph.

25 STEPHEN JOSEPH: Great.

1 So, Erik, if you could share your
2 screen and just walk us through the the
3 architectural plans. Just to refresh the
4 Board's memory, copies of the plans were
5 circulated, but some printing error where it
6 was very light. So I believe that was
7 recirculated in paper form. We're showing the
8 digital form of that now as well.

9 ERIK LIEPINS: Yeah. So this is sheet
10 A1 which has the floor plan. This is dated
11 October 17th. I do hope that everybody can
12 see the line work a little bit better on this
13 version.

14 So this is the footprint of the
15 building, which is a 4069 square foot
16 building. The building is made up of two
17 fully demised spaces, Taco Bell and Wendy's,
18 as we all are aware. The uppermost portion of
19 the plan is the Taco Bell, which comes in at
20 1990 square feet. And the lower portion is
21 the Wendy's, which comes in at 2079 square
22 feet.

23 Both concepts have the walkup window.
24 Both concepts have two restrooms publicly
25 accessible and handicap accessible. Both

1 concepts have an ordering counter that you can
2 order at the register, as most of us are used
3 to, and both concepts also have for self-
4 ordering kiosks that are also order points in
5 addition to ordering at a register.

6 So the Taco Bell space is 28 seats.
7 The Wendy's has 22 seats. Both are full
8 restaurants with the full standard range of
9 equipment. Walk in boxes. Dishwashing sinks.
10 Production lines. And both have side doors
11 for trash and deliveries.

12 I'll move to sheet A2, which was put
13 together based on recommendations at the last
14 hearing to see exactly how the square footage
15 and occupancy is calculated.

16 The occupancy for the Taco Bell comes
17 in at 37 occupants. The occupancy for the
18 Wendy's comes in at 31 for a total of 68. The
19 sheet is hatched in different patterns to show
20 how it's calculated based on the seating and
21 the dining rooms and the square footage in the
22 kitchen areas.

23 Going to sheet A3 is the north and east
24 elevation, with the north being the primary
25 elevation facing the parking lot. On the left

1 hand side, you'll see the Taco Bell and on the
2 right, the Wendy's.

3 You can see if I move from left to
4 right, you'll see the pickup window for the
5 Taco Bell. It's clearly labeled, has a
6 featured purple element around the window, so
7 it's easily noticeable, and guests have that
8 wayfinding available to them. Over the main
9 entry door, you do have the Taco Bell
10 lettering and bell.

11 Moving forward to the Wendy's side, you
12 have a tall glass storefront in the dining
13 area on the left. The Wendy's signage. And
14 because this pickup window is on the side of
15 the building, there's additional wayfinding to
16 indicate that area. The east elevation, which
17 is the side of Taco Bell, so if I go back to
18 the plan, it's the most upper wall on the plan
19 that we're showing.

20 This elevation is - there's no signage.
21 It just has some downspouts from the roof and
22 the service door from Taco Bell.

23 Going to the next sheet A4. This is
24 the rear of the building. Again, no signage,
25 just the service door. And the west elevation

1 is the side of the Wendy's, which you can see
2 the pickup window and the service door. And
3 you do see in the back, in the further back on
4 the - on the left hand side of that elevation
5 is the Taco Bell - Taco Bell tower.

6 So going back to the main elevation,
7 the main parapet throughout is at 18 feet, six
8 inches, with the Taco Bell tower going up to
9 20 feet, six inches, the Wendy's tower, going
10 up to 21 feet, seven inches. Both are - both
11 buildings are finished in a fiber cement
12 siding and panel system with different colors
13 which conform to the brand requirements
14 between the beige, the charcoal, the purple,
15 the red.

16 Both concepts are up to date with the
17 current brand standards as it relates to the
18 finishes, the equipment, the seating. So
19 these are typical finishes that you would see
20 throughout any new restaurant being built for
21 these two concepts. And with that, I believe
22 that concludes my testimony.

23 STEPHEN JOSEPH: Thank you, Erik.
24 Yeah. So as as promised, that was a pretty
25 concise, brief architectural testimony. Of

1 course, happy to answer questions.

2 ALAN LAQUAGLIA: Yeah. Mr. Liepins,
3 you heard the fire inspector before.

4 ERIK LIEPINS: I did.

5 Alan LAQUAGLIA: And you, of course,
6 are going to abide by his recommendations
7 about the sprinklers and alarms and all that.

8 ERIK LIEPINS: So both sides - so the
9 Wendy's and the Taco Bell both have type one
10 grease hoods. Both of them have an Ansul
11 system with the spray heads as necessary. As
12 far as a sprinkler system and a fire alarm,
13 per the IBC and the use and occupancy of this
14 facility, it is not a code requirement.

15 ALAN LAQUAGLIA: Recommendation from
16 our fire inspector, though.

17 ERIK LIEPINS: I do understand.

18 STEPHEN JOSEPH: Erik, the kitchen area
19 is not - and forgive me, I'm not - the
20 construction terminology, I'm not as familiar
21 with as I should be. But it's - it's not
22 sprinklered, but it's - you have a system in
23 each of the kitchens that if a fire were to
24 break out in the kitchen, there's something
25 there that does something to suppress that.

1 ERIK LIEPINS: That is correct. If a
2 fire were to happen at the cooking equipment,
3 the Ansul system would extinguish it through
4 the spray nozzles and the chemicals that would
5 come out of those nozzles upon activation.

6 STEPHEN JOSEPH: And the kitchens here
7 are the vast majority of the building
8 footprint. Correct?

9 ERIK LIEPINS: Yes, that's correct.
10 And tied to Percote as well tied to those
11 Ansul systems, if it were to trigger, an
12 audible and visual strobe is installed to
13 alert occupants.

14 ALAN LAQUAGLIA: Okay. Well, if I
15 understand you correctly, Mr. Liepins, and I
16 don't want to put words in your mouth, but
17 just correct me if I'm wrong, you will not put
18 a sprinkler system in in the whole building.

19 ERIK LIEPINS: That's correct.

20 ALAN LAQUAGLIA: Even though our fire
21 inspector recommended it.

22 ERIK LIEPINS: It's not a requirement
23 in the International Building Code.

24 ALAN LAQUAGLIA: Just asking you a
25 question, that's all. Okay, will not. Board

1 members, any other questions from Councilman
2 Rockwell? I see your hand.

3 RICH ROCKWELL: Yes. On the first
4 page, yeah. The one that's up now - in the
5 Taco Bell section, there's something labeled
6 contactless mobile PU2 shelves. Can you
7 explain what that is?

8 ERIK LIEPINS: Sure. So what that is,
9 is contactless mobile pickup shelves. So
10 that's a shelving unit that is installed next
11 to the front counter, somewhat integrated into
12 the front counter. And it's a staging area
13 for orders that were placed on mobile, waiting
14 for customers to pick them up.

15 As we all know, there's a - there's a
16 pickup window here as well as the dining area.
17 So it's - it acts as a staging area for
18 both - both sides. So if a customer were to
19 come inside to pick up their food, whether
20 they order it inside or they order on the app,
21 that would be the area where the food is
22 placed. And then it's also the staging area
23 for the walk up window.

24 RICH ROCKWELL: Does - does Wendy's
25 have one of those, too?

1 ERIK LIEPINS: Yes, it doesn't have the
2 same labeling, but it is this area here
3 adjacent to the front counter. It's a
4 shelving system with about three shelves on
5 it.

6 RICH ROCKWELL: Okay. And one other
7 question. Are you responsible for the parking
8 lot layout and pedestrian access or -

9 ERIK LIEPINS: No, that's the civil
10 engineer, Mark Leber.

11 RICH ROCKWELL: Okay. Thank you. No
12 more questions for me.

13 STEPHEN JOSEPH: And Erik, those - the
14 shelving, it's similar to like a Panera.
15 Everybody might be more familiar with a
16 Panera.

17 ERIK LIEPINS: Exactly.

18 ALAN LAQUAGLIA: Board members, any
19 other questions? I can't see Mr. Babula.

20 GREGORY BABULA: My understanding is
21 that there are one or more sign variances
22 associated - requested with - with this
23 application. Is that something that you can
24 address, Mr. Liepins or is that going to be
25 someone else who will speak to that?

1 ERIK LIEPINS: I could speak to the
2 signs themselves, as far as the variance -

3 STEPHEN JOSEPH: So we - I believe we
4 discussed very briefly during the civil
5 engineering testimony - Erik can walk through
6 the signs themselves, but we do have a planner
7 this evening who will testify specifically
8 about the variances. For the - for the
9 signage. So, Erik, if you want to just bring
10 us to the signage again.

11 ERIK LIEPINS: Sure. So both sides
12 have signage for the respective brands. So if
13 I just work from left to right on this one
14 elevation, which is the elevation that has the
15 signs, you have the pickup window for Taco
16 Bell on the left, which has a bell on top of
17 it, and then pick up wayfinding signage
18 directing customers to that location.

19 Then over the entry door, you have an
20 illuminated bell and letters, directing
21 customers inside. Then on the Wendy's
22 portion, you have wayfinding again above the
23 side of the pickup window, which says pickup
24 with an arrow pointing downwards, and on the
25 front of this tower element, which also

1 directs customers, depending on, is another
2 visual.

3 Considering this side window is set
4 quite far back, this mobile pickup is another
5 wayfinding sign to direct customers picking up
6 food from mobile - Uber, DoorDash - to go to
7 that window with their main primary
8 illuminated signage, which is the pretty much
9 iconic Wendy's logo, which is centered within
10 that tower element.

11 ALAN LAQUAGLIA: Councilman, any other
12 questions? Does that answer your question?

13 RICH ROCKWELL: Well, I think that was
14 Mr. Babula. But the question, how were these
15 signs illuminated?

16 ERIK LIEPINS: Internally. So they're
17 channel letters.

18 RICH ROCKWELL: So each - each one of
19 those that says - that has words on it
20 is - are channel letters.

21 ERIK LIEPINS: Yes.

22 RICH ROCKWELL: Wendy - and the logos
23 and the bell are those internally illuminated?

24 ERIK LIEPINS: So the large Wendy's on
25 the - on the Red Tower element is internally

1 illuminated, and the signage over the main
2 entry is internally illuminated.

3 RICH ROCKWELL: Just - just the logo or
4 the whole sign?

5 ERIK LIEPINS: The whole sign.

6 RICH ROCKWELL: So the whole - the
7 thing that says Wendy's and the Wendy's logo
8 is internally illuminated?

9 ERIK LIEPINS: That's correct.

10 RICH ROCKWELL: Oh, okay. Well, that's
11 going to be one of your variances. We don't
12 permit those kind of signs. We don't permit
13 internally illuminated where the - where the
14 whole face of the sign is illuminated and the
15 plastic.

16 ALAN LAQUAGLIA: You understand what
17 he's saying, Mr. Liepins?

18 ERIK LIEPINS: I've heard his point.
19 Yes.

20 ALAN LAQUAGLIA: Okay. Thank you. You
21 done, Councilman?

22 RICH ROCKWELL: Yes,

23 ALAN LAQUAGLIA: Mr. Babula, I'm sorry.
24 You were the one who brought up the first
25 thing. Do you have any follow-ups, Mr.

1 Babula?

2 GREGORY BABULA: Not for Mr. -

3 ALAN LAQUAGLIA: Not for Mr. Liepins.

4 Okay. For any other Board members. Amanda,
5 can you see any hands? I can only see.

6 AMANDA WATERS: No, I don't see any
7 other hand. Oh, no. Just one from the
8 public.

9 ALAN LAQUAGLIA: Okay. Board members
10 only. Okay. Mr. Marucci, do you have any
11 questions for Mr. Liepins?

12 ANTHONY MARUCCI: I'm not sure if it's
13 really a question, but Mr. Liepins,
14 your - your proposed building is approximately
15 60 feet away from two residential buildings,
16 two residential single-family homes. And
17 you're telling the Board that you do not have
18 to sprinkler this building?

19 ERIK LIEPINS: Per the IBC, the
20 requirements for sprinkler system is based on
21 the use and occupancy, not the proximity to
22 residential lots.

23 ANTHONY MARUCCI: Well, it's a question
24 of the building setback, you know, only like
25 five feet away from the rear line, there's no

1 access to the rear. And you're, again, within
2 60 feet of two residential structures. I'll
3 leave it there because I'll leave it to the
4 fire official. But that's a concern.

5 STEPHEN JOSEPH: Yeah. So I just want
6 to clarify. That's not - it's not correct.
7 We have a 25-foot setback from the residential
8 property line.

9 ANTHONY MARUCCI: No. I said
10 approximately 60 feet from the resident
11 residential structures themselves. It is
12 five -

13 STEPHEN JOSEPH: Understood.

14 ANTHONY MARUCCI: It is five feet from
15 the rear property line.

16 STEPHEN JOSEPH: Yep. And the rear
17 property line is a parking lot part of the
18 adjacent -

19 ANTHONY MARUCCI: Today. Okay.

20 STEPHEN JOSEPH: Correct.

21 It's - it's - that's in the same zone as we
22 are in the commercial zone.

23 ANTHONY MARUCCI: No more questions.

24 ALAN LAQUAGLIA: Everyone understands.

25 Mr. Marucci is our zoning officer. Besides

1 our consulting engineer and the former
2 township engineer for quite a while. So he is
3 familiar with the properties over there. That
4 being said, are there - Mr. Marucci, are you
5 done, sir?

6 ANTHONY MARUCCI: Yes. For now. Yes.

7 ALAN LAQUAGLIA: Thank you, Mr.
8 Marucci.

9 STEPHEN JOSEPH: Mr. Chairman.

10 MICHAEL RUBIN: Mr. Chairman, Michael
11 Rubin. And I don't understand the way this
12 works. And how does the - and I may be asking
13 the wrong person - how does the staff at
14 Wendy's or Taco Bell know whether or not
15 someone who has ordered remotely is going to
16 pick up at the outside window or come inside?
17 And does that require them to have someone
18 staffing the outside window at all times?

19 ERIK LIEPINS: So this was designed in
20 a way where the outside window is directly
21 adjacent to the inside front counter. So the
22 employee at the front counter could serve as
23 both.

24 And in peak times, you know,
25 the - it's - it's visible if somebody is at

1 that window because it is right next to the
2 front counter. And as far as the shelving is
3 concerned, the shelving is in between the
4 front counter and the pickup window so it can
5 service both.

6 MICHAEL RUBIN: So it almost would act
7 as - as sort of a drive-through does, that if
8 no one's at the drive-through, the employee
9 then helps inside? Is that what you're kind
10 of saying?

11 ERIK LIEPINS: I would say the employee
12 would help wherever - wherever needed
13 throughout the different requirements of the
14 different shifts.

15 MICHAEL RUBIN: So is there one
16 employee whose job it is to provide customers
17 with their order, one person who's going to be
18 designated for that at each shift?

19 ERIK LIEPINS: I can't really speak too
20 much to the operations, but I think it would
21 be a shared - a shared duty between a couple
22 tasks instead of just one person handing out
23 and standing at the window.

24 MICHAEL RUBIN: Like I'm just trying to
25 figure out how the seven employees on a

1 maximum shift are going to be allocated.

2 STEPHEN JOSEPH: Yeah, we could
3 certainly provide some
4 operational - operational testimony as well.
5 We do have representative from ownership
6 tonight. I don't know if that's, you know,
7 more appropriate for the - for the next
8 hearing since we're coming back anyway. And
9 that way we can at least get through all of
10 our experts or if we want to hear about that
11 tonight.

12 MICHAEL RUBIN: Yeah, just, you know, I
13 think that one of the concerns, obviously, is,
14 you know, you are - you essentially having
15 double the number of employees that you have
16 if this was one use, one fast food restaurant.
17 And given the uniqueness of this kind of an
18 operation, to us, at least, it would be good
19 to understand how this is really going to
20 work.

21 STEPHEN JOSEPH: Okay.

22 MICHAEL RUBIN: Who's going to be
23 responsible for cleaning. Is there one
24 cleaning that's going to cover both picking up
25 garbage outside or is each - is each use going

1 to have an employee who's been designated
2 responsible for that, you know, inside clean
3 up all that stuff?

4 You know, kind of - we need to
5 understand how that's going to work to make
6 sure that the number of employees being
7 represented makes sense.

8 STEPHEN JOSEPH: Understood. Yeah. So
9 we can - we can provide some operational
10 testimony. You know, again, I don't know if
11 that's more appropriate for the next hearing
12 when we're all a little more fresh or if we
13 want to get through our planner this evening
14 just so everyone's on the record.

15 ALAN LAQUAGLIA: Let's continue what,
16 if you don't mind, Mr. Rubin, let's continue
17 with the -

18 MICHAEL RUBIN: I don't mind. I'm just
19 curious. I just, you know, it's hard to
20 understand how this -

21 ALAN LAQUAGLIA: Yeah, it's an
22 excellent point. And that's something that we
23 could address. I guess you're going to have
24 to have a - your store manager or your whoever
25 owns the businesses or whatever.

1 STEPHEN JOSEPH: Yeah, we
2 absolutely - I - I agree. I 100 percent
3 agree. I don't want to be evasive, and we
4 could certainly bring up somebody from
5 ownership now if you'd like. I just - I know
6 it's getting - I know it's getting late. I
7 know everyone's, you know, exhausted. And I
8 think there's going to be a lot of questions
9 on operations just based on what I'm hearing.

10 So my thought was just to finish our
11 architectural and planning testimony and - and
12 come back fresh at the next hearing, but happy
13 to put up operations now, if the Board would
14 want to start that.

15 ALAN LAQUAGLIA: No, I think I agree.
16 Unless the Board, you know, thinks otherwise.
17 I think probably the best interest, let's
18 finish the architect and then the planner and
19 then we'll continue. You're going to have to
20 come back. There's too many traffic concerns.
21 Come back with that.

22 And then you could have your manager or
23 whoever owns the business or what a director
24 possibly to answer all the ins and outs of how
25 this business is run.

1 STEPHEN JOSEPH: Right. And I think
2 that will help inform the traffic concerns as
3 well.

4 ALAN LAQUAGLIA: Yeah.

5 STEPHEN JOSEPH: They're related.

6 ALAN LAQUAGLIA: Yeah, I agree. Okay.
7 That being said, Mr. Rubin, any other
8 questions?

9 MICHAEL RUBIN: No, thank you.

10 ALAN LAQUAGLIA: No. Board members.
11 Are there any other questions for Mr. Liepins?

12 MARVETTE RICHARDSON: Yes, this is
13 Marvette.

14 ALAN LAQUAGLIA: Yes, Marvette.

15 MARVETTE RICHARDSON: I didn't hear
16 anything about any type of handicap seatings,
17 restrooms, ramps to accommodate this part of
18 the community. Can you touch base on that,
19 please?

20 ERIK LIEPINS: Sure. So I did mention
21 in my prior testimony that both - both
22 facilities, so both concepts have two
23 restrooms, both of which are fully handicap
24 accessible.

25 And as far as the seating, we do show

1 handicapped table on the Wendy's side as well
2 as the Taco Bell side with the clearance lines
3 indicated. So we fully comply with the ADA
4 code and all counters are at 34 inches high.
5 The transaction windows, the pickup windows
6 are at the proper height for the transaction
7 to happen. Soda counters, the door pressures.
8 These are fully compliant structures here.

9 MARVETTE RICHARDSON: And what about
10 parking in terms of representing this segment
11 of the community?

12 STEPHEN JOSEPH: So we do - we do
13 comply with the - with the ADA required
14 parking spaces. That was in our civil
15 testimony at the last hearing. Happy to
16 revisit that. I'm happy to revisit that if
17 you would like. But we are -

18 MARVETTE RICHARDSON: No need. No
19 need. I just - I just needed to know that,
20 aside from the seating and everything else and
21 the architect, that we are servicing
22 every - every type of person who may actually
23 come to visit this space.

24 STEPHEN JOSEPH: It's extremely
25 important. I agree.

1 MARVETTE RICHARDSON: Thank you very
2 much.

3 ALAN LAQUAGLIA: Thank you, Ms.
4 Richardson. Board members, any other
5 questions? Amanda, I can't see any if
6 anybody's waving their hand.

7 AMANDA WATERS: No hands. Wait a
8 minute. Somebody -

9 ALAN LAQUAGLIA: Paul Phillips? Yes.
10 Mr. Phillips, please.

11 PAUL PHILLIPS: Thank you, Mr.
12 Chairman. I just have one question for the
13 architect. I noticed - and if you could put
14 up the elevation.

15 ERIK LIEPINS: Sure.

16 PAUL PHILLIPS: So I noticed that there
17 is sort of little or no articulation of the
18 east facade. Is there anything you can do to
19 sort of break up or soften that elevation?

20 And I say that because not only the
21 front facade, but the other two facades, which
22 I think you have on - on the next sheet, you
23 do do some things to - to break up the facade
24 a little bit. So and, you know, I don't know,
25 it could be anything from color change to

1 material treatment to banding, but just
2 something to kind of soften that or articulate
3 that facade. And you may want to throw up the
4 other one.

5 ERIK LIEPINS: Sure. I can address the
6 east facade first. So that is the full side
7 of Taco Bell not facing the parking lot. In
8 order to see that facade, you would have to be
9 in the adjacent property.

10 PAUL PHILLIPS: I'm well aware of that.

11 ERIK LIEPINS: Yeah. So if we go to
12 the next two facades, I mean, the difference
13 is here is that we're separating between the
14 Wendy's and the Taco Bell on the rear. So you
15 do get the differentiating colors, which does
16 break that up.

17 And then on the west side, which is the
18 full Wendy's side, because that happens to
19 have part of the dining room, we do have
20 windows and the pickup window. So I do agree
21 that, you know, the - the eastern side
22 is - does not have much attraction to it, but
23 considering it's - it's not a primary facade
24 on the property -

25 STEPHEN JOSEPH: So Erik, maybe we can

1 do something similar to what we're doing on
2 the south elevation and those, you know, those
3 three panels where the door is, maybe we can,
4 we can change color or - or make them a little
5 bit more proud just to break it up a little
6 bit. I think.

7 I think the reason why Paul is asking
8 that question is specifically because it's
9 facing the residential buildings. And - and
10 we don't want to put the most blah facade, for
11 lack of a better term, facing residential
12 properties.

13 ERIK LIEPINS: Sure. We can - we can
14 look into that. That's - that's not a
15 problem.

16 STEPHEN JOSEPH: I think that's an easy
17 fix.

18 PAUL PHILLIPS: Thank you. That's all
19 I had, Mr. Chairman.

20 ALAN LAQUAGLIA: Mr. Phillips. Mr.
21 Intindola, did you have a question?

22 BRIAN INTINDOLA: Yes. So my question
23 is, as it relates to traffic, when you design
24 the interior, is there a transactional
25 capacity built into the kitchen that you must

1 meet? And what is that transactional
2 capacity? And as best related to the Board as
3 per hour? And is the limiting value to that
4 transactional capacity staff or the
5 physicality of the improvements?

6 ERIK LIEPINS: So I know each - each
7 brand has their own calculations as to
8 determine how much throughput. I believe
9 it - you know, I can't speak 100 percent, but
10 I believe it's limited to the equipment that's
11 in the space. But I do know that whether the
12 restaurant, you know, from what I've heard,
13 does 1 million or 5 million a year, this
14 equipment can handle that. So I don't see
15 shortcomings on the equipment.

16 STEPHEN JOSEPH: I'm sorry and forgive
17 my ignorance, but Brian, by transactional
18 capacity, you mean how many orders they can
19 get out, right?

20 BRIAN INTINDOLA: Because I've
21 seen - I've been reviewing other fast food
22 restaurants and they - employees are literally
23 hip to hip trying to get the orders out, and I
24 didn't know whether this, with the number of
25 employees represented, what would be their

1 transactional capacity.

2 So it doesn't seem like - it
3 doesn't - based on the answer from the
4 architect, it doesn't seem like the
5 transactional limit is the physical space.
6 Right. It seems it - it seems to be an
7 employee threshold. And what would that be
8 based on the employees. So if we need a
9 certain turnover rate, we don't know, and
10 there's not been testimony that that could be
11 met with the employees as represented today.

12 STEPHEN JOSEPH: Understood.

13 Good - good question. I'll put that in my
14 notes for - just to prepare the operations
15 manager for that.

16 ALAN LAQUAGLIA: Thank you. Yeah.
17 You're done, Mr. Intindola.

18 BRIAN INTINDOLA: Yes, sir.

19 ANTHONY MARUCCI: Mr. Chairman, it's
20 Anthony again.

21 ALAN LAQUAGLIA: Mr. Marucci. Yeah.

22 ANTHONY MARUCCI: I'm sorry. I do have
23 one more question for the architect.

24 ALAN LAQUAGLIA: Yes.

25 ANTHONY MARUCCI: You did - you did

1 not - you did not touch upon HVAC equipment.
2 I believe it's rooftop mounted.

3 ERIK LIEPINS: That's correct. So the
4 mechanical design is we're not at that stage
5 of the project. But based on my experience,
6 each - each side of the building, each concept
7 would have two rooftop mounted package units
8 for heating and cooling, exhaust fans, make-up
9 air fans, the traditional kitchen equipment as
10 well.

11 ANTHONY MARUCCI: Can you elaborate
12 about buffering that? Again, you're - you're
13 within 60 feet of two residential structures,
14 buffering and noise emanating from the - from
15 those fans, et cetera.

16 ERIK LIEPINS: Yeah. So the units that
17 are typically specified are - are not all that
18 loud. And they meet the - you know, there is
19 a sound ordinance and portions of the code
20 that requires decibel levels at the property
21 lines. And these units do meet those
22 requirements.

23 ANTHONY MARUCCI: What about buffering
24 against - so are they going to be visible from
25 any direction?

1 ERIK LIEPINS: So the - the roof line
2 is below the top of the parapet. We do have
3 three-foot parapet around the entire
4 structure. So you know, if you're head on
5 with - with the roof, you know, you would see
6 the units, you know, sticking up slightly.
7 But, you know, at the ground level, the units
8 are going to be, you know, towards the center
9 of - the center of the building. And I don't
10 foresee them being visible from somebody on
11 the ground.

12 ANTHONY MARUCCI: That's all, Mr.
13 Chairman.

14 ALAN LAQUAGLIA: (Inaudible) Mr.
15 Marucci. Any other questions, Board?
16 Anybody? Amanda, do you see anyone raising a
17 hand?

18 AMANDA WATERS: No.

19 ALAN LAQUAGLIA: Okay, one more time.
20 Any other questions, Board members. Experts?
21 None. Okay. At this time, I'll open it up to
22 the public for questions only regarding Mr.
23 Liepins's testimony. And they have to be
24 questions. Do you see any hands, Amanda?

25 AMANDA WATERS: No.

1 ALAN LAQUAGLIA: I'll give you one more
2 time. Any other questions? Anybody. You see
3 anyone, Amanda?

4 AMANDA WATERS: Nope.

5 ALAN LAQUAGLIA: That portion is
6 closed. Thank you, Mr. Liepins.

7 ERIK LIEPINS: Thank you.

8 STEPHEN JOSEPH: Okay. So our next
9 expert - and this is our final expert,
10 professional expert witness aside from
11 operations is John McDonough. He's our
12 licensed planner. And let's - let's get John
13 sworn in. He was not previously qualified.

14 AMANDA WATERS: Do you swear to
15 tell - sorry. Do you swear that the
16 testimony you are about to give is the truth,
17 the whole truth, and nothing but the truth?

18 JOHN MCDONOUGH: Yes, I do.

19 AMANDA WATERS: Please state your first
20 and last name for the record.

21 JOHN MCDONOUGH: Sure. Hi, there,
22 everyone. My name is John McDonough. That's
23 spelled M-C-D-O-N-O-U-G-H. I'm the project
24 planner.

25 AMANDA WATERS: Thank you.

1 STEPHEN JOSEPH: So, John, if you could
2 just - we're going to qualify you. So just
3 confirm your license is in good standing,
4 brief educational background, and confirm
5 you've testified before and on behalf of other
6 boards in the past.

7 PAUL PHILLIPS: Sure. My license on
8 the state level as a New Jersey professional
9 planner is current and in good standing. I
10 get to testify in that capacity throughout the
11 state, including here many times, and also on
12 the national level as AICP. Also current good
13 standing.

14 STEPHEN JOSEPH: I would ask that the
15 that the Board accept this qualification.

16 ALAN LAQUAGLIA: We're fine.

17 STEPHEN JOSEPH: Great.

18 ALAN LAQUAGLIA: Yeah.

19 STEPHEN JOSEPH: Thank you. John, take
20 us through planning testimony.

21 JOHN MCDONOUGH: Sure thing. I think
22 the testimony here can be relatively brief.
23 This is a pretty clean application from a
24 zoning and planning standpoint. We always
25 look at integration with the site, with the

1 neighborhood, and with your zoning criteria.

2 And all of it stacks up pretty well here.

3 If I may, Mr. Chairman, I'll share my
4 screen just to give you a sense of what we
5 found when we looked at the - the particular
6 site. Think - think this has been handed up,
7 right, Stephen? It's a four-page exhibit with
8 aerial photographs. We took this back in
9 April.

10 STEPHEN JOSEPH: Yeah, I believe it was
11 part of the initial package, but honestly, I
12 don't remember at this point. So just to be
13 safe, we could - we could just say A8.

14 MICHAEL RUBIN: Mr. Joseph, that was my
15 mistake. I think the architectural plans were
16 A8.

17 STEPHEN JOSEPH: Oh. I totally forgot.
18 I should have caught that, too. I'm sorry.

19 MICHAEL RUBIN: I failed to proceed on
20 that. So this would be A9.

21 STEPHEN JOSEPH: A9.

22 MICHAEL RUBIN: And the architectural
23 plans, the full set of architectural plans
24 will be A8. And those plans are dated October
25 17th, 2022.

1 STEPHEN JOSEPH: Correct. I apologize.

2 I forgot we -

3 MICHAEL RUBIN: Me too. I apologize.

4 STEPHEN JOSEPH: And enter in it.

5 Okay. And this is - this will be A9. Great.

6 JOHN MCDONOUGH: Okay. So this first
7 view is a view looking to the southeast. It
8 was taken in April pretty much before those
9 leaves started to pop on the trees. And
10 again, from this particular vantage point, you
11 can see that the subject property, as has now
12 been described, was a former restaurant now
13 closed.

14 So essentially we have a site that's
15 going from a restaurant to a restaurant type
16 use. You get a sense of the pavement, the
17 integration with the neighborhood, and again,
18 how the applicant is actually going to green
19 up the site, improve the relationship to the
20 surrounding neighborhood. A nicer green edge
21 around the perimeter of the property and just
22 better overall integration from a physical
23 planning standpoint.

24 There is a car parked there in the lot,
25 but that's actually my drone guy. The drone

1 is hovered over Broad Street, which we know is
2 a main service road here in the community,
3 serving a mix of residential and
4 nonresidential uses.

5 And in this particular location, we
6 have good nonresidential context backing up to
7 residential in the back. And that's where
8 we're maintaining our sensitivity with
9 setback, with landscaping, with solid privacy
10 fence as well to ensure the privacy use and
11 enjoyment of those homes behind.

12 Again, as we pan further back, you get
13 a sense looking to the southeast of your
14 beautiful setting, that beautiful skyline in
15 the background. And again, just the - all of
16 the things that you see from a landscape
17 standpoint that make your community special.

18 You've also got the parkway right there
19 as well, coming into vision and the left hand
20 side of this particular photograph.

21 Frame number two under A9, rather, same
22 date. This is now looking to the northeast.
23 So we're coming back to the back portion of
24 the property. In the foreground, you can see
25 the residential dwellings. You get a sense of

1 the landscaping that's in the back there,
2 which we're going to augment and improve. And
3 just so everybody doesn't have to squint, let
4 me see if I can get this a little closer for
5 you.

6 Okay. So that gives you a sense of
7 what's going on behind those homes on their
8 properties. Obviously, the applicant is
9 proposing here to introduce additional
10 plantings as well in that - that 25-foot band.

11 And then again, in terms of land use
12 context, we've got nonresidential uses. We've
13 got the school. And of course, from this
14 particular frame, frame number three now
15 looking to the northwest, you can see those
16 residential uses to the lower left hand
17 portion of the photograph from this vantage.

18 And then finally, I guess I'll just
19 hover on - on this view as I go through my
20 proofs here. We just sort of take you back
21 full circle, again with the skyline, with the
22 parkway, and just another vantage of the
23 property itself.

24 Obviously, the friendlies will come
25 down. The new restaurant will get tucked into

1 the back, and the improvements being made to
2 the parking lot and the landscaping as a
3 whole.

4 You can see here, if I zoom in a little
5 bit, it's a pylon sign out there now. The
6 applicant is asking for some relief for a
7 pylon sign, basically similar size to what's
8 out there now except moving it to a different
9 location so it better integrates with
10 the - the overall site layout.

11 In terms of the zoning criteria here,
12 we're in the B2 zone where the use is
13 permitted, and we know that this B2 zone is
14 commerce-oriented. So there's a wide
15 diversity of uses that could go here,
16 including a bar, including a service club, a
17 public use, public parking, educational uses,
18 restaurants, be they - be it fast food or non-
19 fast food are permitted here.

20 By way of example, you can have a
21 takeout restaurant here, your - I'll say
22 traditional pizza parlor, your Chinese
23 restaurant where people do get out of their
24 cars, walk in, and take food out. So
25 not - not different from what the zone already

1 contemplates here.

2 This is going to be a co-branded
3 facility, which is very common in the industry
4 now. We see it in magazines like QSR, Quick
5 Serve Restaurants, talks about this trend, and
6 anything that can can bolster our eateries and
7 our food uses is a good thing.

8 And from a planning standpoint, it
9 offers choice. Family goes in, one may
10 want - like one brand over the other brand,
11 but it all keeps it within that one roof there
12 and that one site. So it is - it is popular
13 both amongst customers and amongst the brands,
14 as well, who traditionally use this. They
15 went away for a while, and now it's starting
16 to come back again.

17 Again, in the B2 zone, this application
18 stacks up top to bottom with the requirements
19 in the zone from a bulk and use standpoint, as
20 you saw in Mr. Leber's cover sheet and just to
21 run through, the lot area complies, the
22 building setbacks comply on all sides, the
23 coverage, both building coverage and lot
24 coverage complies, the height of the buildings
25 comply, the overall floor area ratio complies,

1 the parking areas comply in terms of the
2 buffer to the residential use, the driveway
3 widths, and the driveway intersection
4 distances here.

5 The parking supply meets the ordinance
6 requirement. No relief being requested in
7 that regard as well. And the calculations
8 have been provided here.

9 The only relief that the applicant is
10 seeking relates to signage. I'll pause on
11 this screen, share here, and I'll just pull up
12 what you just saw in terms of the
13 architectural package.

14 Relief related to the building mounted
15 signage, the facade signage. If we add up all
16 the different brands here, the co-branding and
17 the wayfinding elements, that adds up to 110
18 square feet.

19 Your ordinance threshold is 70 square
20 feet, so we're asking for relief there, again,
21 to maintain appropriately sized, appropriately
22 integrated sign packages that promote safety
23 as navigation aids through wayfinding aids,
24 and also distinguishing the co-brands
25 relatively simple sign package notwithstanding

1 the fact that relief is being requested here.

2 Likewise, the architectural sign band
3 requirement that there be a consistent band
4 across the top, relief being requested as
5 well, again, with the various co-brands that
6 are here.

7 And finally, to have the Wendy sign
8 above the rooftop, that's the button, the
9 logo, the locket, whatever you want to call it
10 on the top there, that will actually extend
11 above your roof line. So that's the relief
12 related to the facade sign package.

13 And then the relief related to the
14 pylon sign is to have a setback of seven feet
15 versus ten feet. Again, you saw Mark Leber's
16 plan. How this will integrate within
17 the - the layout, the sign area, 48 square
18 feet, whereas 20 square feet is the maximum
19 allowed and then the height of a sign at 20
20 feet, whereas 12 feet is the maximum allowed.

21 Again, the zone envisions a monument
22 sign. The applicant is asking for relief for
23 a pylon sign here, which is consistent with
24 what the historic use has - has been out
25 there.

1 And again, in the interest of promoting
2 safe visibility of the site, clear and safe
3 access, and identification to avoid sudden
4 movements, sudden stops. And we really turn
5 to this under the C2 balancing test where we
6 look at the benefits of the sign package as a
7 whole would substantially outweigh any
8 detriments associated with that relief that
9 the applicant is seeking here.

10 Whenever we look at relief, we look,
11 again, at the application as a whole. So I
12 think it is important to state that the
13 application as a whole does deliver a
14 permitted use that is fully conforming with
15 your bulk and parking requirements and your
16 design requirements.

17 In that regard, the application in and
18 of itself promotes the fundamental purposes of
19 zoning. All of those purposes of zoning in
20 terms of promoting the general welfare with a
21 use that serves the public good, use that is a
22 source of jobs, economic development, stable
23 ratable base, not only jobs for all people,
24 but especially for local youth. That's sort
25 of inherent to these type of brands.

1 Also planning goal to provide for a
2 variety of uses and appropriate locations.
3 That's purpose G. Purpose I, to promote a
4 desirable visual environment. Having a closed
5 store certainly serves no public purpose, and
6 this will give the site a nice, new, fresh
7 look that reflects positively not only on the
8 site as a good place to invest, but the
9 community as a whole with - with national name
10 brands.

11 I think that does showcase your town as
12 progressive and business friendly. And also,
13 again, putting underutilized land back to
14 functional use is consistent, in my view, with
15 Purpose M, the promotion of efficient use of
16 land.

17 As I said, I don't think there's any
18 violation of any purpose of zoning here based
19 on a fully conforming plan. But for the sign
20 package, I think the applicant has actually
21 said it would conform if the Board so desired.

22 And really, whenever we look at the C2
23 test, we look at whether it constitutes a
24 better zoning alternative. Shrinking the
25 signs here, I think, would not serve any

1 practical planning purpose. I think you'd get
2 the same quantity of signs, just smaller.

3 And in that regard I believe the
4 statutory test is met under the C2 balancing,
5 whereby relief can be granted without creating
6 any substantial detriment to the public or
7 without any substantial impairment to the
8 intent and purpose of the zone plan to avoid
9 over branding, to avoid sign clutter, or an
10 undesirable visual environment.

11 All said, this is a really good
12 application. You have done very good vetting
13 on this application. You have good
14 professionals keeping their eyes on it and I
15 think all the appropriate safeguards are in
16 place for the Board to move favorably on this
17 application and certainly on a finding that it
18 meets the statutory criteria for both site
19 plan approval and the signage relief that the
20 applicant is seeking.

21 With that, Stephen, I'll hit pause.
22 I'll finally take this off the screen and open
23 up to any redirect or cross.

24 ALAN LAQUAGLIA: Thank you, Mr.
25 McDonough. Just very quickly, did you say

1 bars were allowed here?

2 JOHN MCDONOUGH: Yes. I see a bar as a
3 permitted use in your B-2.

4 ALAN LAQUAGLIA: Across the street from
5 a grammar school.

6 JOHN MCDONOUGH: As a permitted use?
7 Yes, sir.

8 ALAN LAQUAGLIA: I think we have a 200-
9 foot distance.

10 JOHN MCDONOUGH: Might be - that might
11 be an ABC control that I don't know. But I
12 don't see it as a zoning control. I see this
13 as a permitted principal use in the zone.

14 ALAN LAQUAGLIA: I have to disagree
15 with you there, but that's okay.

16 JOHN MCDONOUGH: Okay. If I'm wrong,
17 I'm wrong.

18 ALAN LAQUAGLIA: (Inaudible) the point.
19 That doesn't matter.

20 Board member - well, you know what?
21 I'll tell you what. Mr. Phillips, I'm going
22 to ask you to go first because then any
23 questions you might have might answer the
24 questions the Board members might have.

25 PAUL PHILLIPS: Sure. I just have a

1 couple of questions. John, do you - are you
2 still requesting any variance for the height
3 of the fence in the side yard?

4 JOHN MCDONOUGH: I'm looking around at
5 my team members. I don't think so. If that
6 came up along the way, I think I missed it.
7 The only basis for that relief would be for
8 enhanced privacy of the neighbor. And I'm
9 going back, Paul, maybe two meetings, maybe
10 that came up. And was that an eight foot?

11 PAUL PHILLIPS: Yeah. So and I'll also
12 defer to Mr. Marucci, who's the zoning officer
13 as well. But I believe that there was a
14 proposal for a six-foot-high fence in one of
15 the side yards, and I thought only four feet
16 was allowed. I may have that wrong, Anthony,
17 but -

18 ANTHONY MARUCCI: Paul, you're correct.
19 We only permit four foot height from the - in
20 the front yard. And it's - it's quite a
21 lengthy front yard between - between the
22 subject property and the property to the - the
23 office building. It is a variance as - as it
24 is set right now.

25 PAUL PHILLIPS: And then I don't know,

1 John, if you had a chance, I know one of the
2 Board members raised the issue of there are
3 standards. And Anthony, you may want to
4 comment to this as well, but there are
5 standards regarding internally illuminated
6 signs and relating to the light source and
7 what could be covered.

8 And I don't know if you've looked at
9 that yet, or Anthony, whether you've looked at
10 that, but that should probably be addressed at
11 some point by the applicant because it was
12 raised by one of the Board members. And I did
13 notice that there are - there is a specific
14 standard in the - in the ordinance.

15 ANTHONY MARUCCI: Councilman Rockwell
16 brought that up. And when I first looked at
17 it, I - I was under the impression that only
18 the - the letters were going to be lit up.
19 But I believe the architect testified that the
20 entire sign is going to be lit up, which is
21 kind of unusual - not just unusual, but that
22 that would require a variance.

23 (Overlapping voices)

24 PAUL PHILLIPS: - applicant may just
25 want to take a take another look at that and

1 see whether or not they agree that currently
2 it appears from Mr. Marucci that you don't
3 comply and you either request that relief or,
4 you know, indicate that you'll comply.

5 MICHAEL RUBIN: May I just ask a
6 question? So I understand when you say the
7 entire sign is going to be illuminated, you
8 mean the entire Red Tower?

9 ANTHONY MARUCCI: That's what the
10 architect testified to, or at least the upper
11 portion of the - of the red.

12 ALAN LAQUAGLIA: Get right to the
13 point. Mr. Liepins, are you still there?

14 ERIK LIEPINS: Yes, I'm here. So it's
15 only the the Wendy's sign itself, not the Red
16 Tower, just the Wendy's lettering. And then
17 Wendy herself on the - on the sign.

18 MICHAEL RUBIN: The only thing being
19 illuminated are the - are the - is the word
20 Wendy's and the logo.

21 ERIK LIEPINS: That's correct.

22 MICHAEL RUBIN: And the - and the - and
23 down at the bottom, the words to say that
24 there's the pickup window next door. Correct?

25 ERIK LIEPINS: No. No. Just the

1 Wendy's.

2 MICHAEL RUBIN: That won't be
3 illuminated?

4 ERIK LIEPINS: No.

5 MICHAEL RUBIN: Okay.

6 ANTHONY MARUCCI: Then - then that's
7 okay.

8 ALAN LAQUAGLIA: And the Taco Bell
9 sign, sir?

10 ERIK LIEPINS: Taco Bell. The sign
11 itself, not the background sign itself. Same
12 as Wendy's.

13 ALAN LAQUAGLIA: Just a bell like will
14 be illuminated.

15 ERIK LIEPINS: The bell plus the
16 letters, yes.

17 ALAN LAQUAGLIA: Plus the lettering
18 individually.

19 ERIK LIEPINS: Correct.

20 PAUL PHILLIPS: But not the brown?

21 ERIK LIEPINS: No, not the brown.

22 PAUL PHILLIPS: Okay. I think that
23 clarifies that then.

24 ALAN LAQUAGLIA: Okay. Great.

25 PAUL PHILLIPS: And then one last

1 question, John, and this is - relates to this
2 is not a zoning issue, but it relates to
3 what's in the - the design standards section
4 of the Land Development Ordinance. And
5 technically, you may need a design exception
6 for this. And I'd be just interested in
7 getting your opinion because there is a
8 requirement that in the B2 zone that parking
9 is not allowed in the front yard, and in fact,
10 that the ordinance doesn't allow it in B2 or I
11 think the CBD zone.

12 And I'm just wondering whether or not
13 you are in a position to - to comment on that,
14 on that provision.

15 PAUL PHILLIPS: Let me pull back up the
16 surrounding land use context because any
17 design exception, to the extent it's needed,
18 needs to meet the lesser standard of
19 reasonableness and a sense of
20 impracticability, which basically means it
21 doesn't serve a practical planning purpose.

22 I think the key point here is that we
23 do have established pavement in the front and
24 the site next door, so we're not breaking up
25 any continuity of of green space.

1 We do also under existing condition,
2 have parking in - in the front yard as well.
3 And we think that the parking in the front and
4 the building in the back maintains better
5 separation with the neighbors to the rear.
6 The building becomes the buffer, if you will,
7 and is essentially an inactive land use that
8 fortifies or shields that property.

9 The active land use is the parking lot.
10 And this arrangement, again, I think is a
11 better design alternative because it keeps
12 that active land use further away from the
13 residential neighbors and keeps them more
14 enclosed use, proximate to them.

15 So again, I think that's - that to the
16 extent relief is needed there, I think it's
17 both reasonable and appropriate. And not
18 granting that relief would - would serve no
19 practical planning purpose at this location.
20 Okay.

21 PAUL PHILLIPS: And I don't - and I
22 don't know, John, whether this is an outlier
23 site or this is an outlier portion of sort of
24 the larger B2 district or whether this section
25 of B2, there are obviously other B2 zones in

1 the township, but that - I mean, I'm
2 thinking - I didn't write this zoning, but
3 that is sort of in there for a reason.

4 And I think the Board is deserving of
5 some rationale as to why you should receive
6 the relief as part of this particular
7 application, and I'll just leave it at that.

8 JOHN MCDONOUGH: Thanks.

9 ALAN LAQUAGLIA: Can we take the screen
10 back to -

11 JOHN MCDONOUGH: Sorry, Mr. Chairman.

12 ALAN LAQUAGLIA: Yeah, that's no
13 problem. Just so could - Councilman Rockwell,
14 you have a question, sir?

15 RICH ROCKWELL: Yes. Did you review
16 our master plan in preparation for this,
17 specifically the land use element and
18 neighborhood commercial districts?

19 JOHN MCDONOUGH: Well, a variance free
20 application in and of itself comports with the
21 master plan. I did prior two - two hearings
22 ago. Yes.

23 RICH ROCKWELL: Okay. So well, one of
24 the - one of the things in the - one of the
25 recommendations in the master plan for this

1 particular neighborhood commercial district is
2 that it fosters compact, accessible, and
3 pedestrian friendly shopping areas.

4 Can you explain how you're - you're
5 meeting that what's the pedestrian access to
6 this site? How would a pedestrian walking on
7 the sidewalk enter the property and approach
8 the restaurants?

9 JOHN MCDONOUGH: Well, as - as has been
10 explained through the witnesses before me,
11 there is a sidewalk in front of the building
12 and there is nothing in the design plan that
13 impedes a pedestrian from accessing the site
14 from the sidewalk.

15 RICH ROCKWELL: So they would walk
16 through the parking lot?

17 JOHN MCDONOUGH: There is a - there is
18 a crosshatch area that's associated with the
19 handicapped spaces that provides an accessible
20 route and double-checking that island in the
21 middle, if that is also navigable from
22 a - from a pedestrian standpoint. But parking
23 lots, by their very nature, have pedestrians
24 in them. That's how you get from your car to
25 the door.

1 RICH ROCKWELL: Well, I mean - I mean,
2 the master plan is recommending compact,
3 pedestrian friendly. Would you consider this
4 pedestrian friendly?

5 JOHN MCDONOUGH: Very much so, yes.

6 RICH ROCKWELL: How so?

7 JOHN MCDONOUGH: Again, there are safe
8 routes for pedestrians to work their
9 way - safe, acceptable routes for pedestrians
10 to work their way into the building. Again,
11 you have that clearly marked cross-hatched
12 area that where a drive aisle is crossed.

13 RICH ROCKWELL: So a pedestrian sharing
14 the handicapped parking area to - to get to
15 the restaurant, they're crossing through the
16 handicapped. The hash marks are for the - are
17 they for the pedestrians or for handicapped
18 parking?

19 JOHN MCDONOUGH: They're for all
20 people; they're not exclusive.

21 RICH ROCKWELL: Okay. So one of the
22 other - one of the things that they point out
23 in the master plan as far as liabilities for
24 this specific neighborhood commercial district
25 are included - the liabilities include gaps in

1 the street wall, traffic congestion,
2 uncoordinated street streetscape, unattractive
3 alterations to certain buildings, and
4 difficult pedestrian environment.

5 So you're actually creating a gap in
6 the streetscape by putting the parking lot in
7 front and the building in the back instead of
8 the way it is now with the building in the
9 front, aren't you?

10 JOHN MCDONOUGH: There is no street
11 wall at this particular location of Broad
12 Street.

13 RICH ROCKWELL: Well, there's a
14 setback. That's the common setback of the
15 buildings along that, there's a setback at the
16 firehouse. There's a setback of the original
17 restaurant. There's a setback of the office
18 building next door. And you're just
19 completely turning that whole thing
20 where - where you would expect to see a
21 setback, a building.

22 So we're seeing a parking lot there,
23 which - which to me, it seems more like a sort
24 of highway restaurant instead of a
25 neighborhood restaurant. So I don't - it

1 seems to me you're not addressing that.

2 JOHN MCDONOUGH: I disagree with your
3 assessment of what a street wall is. This is
4 not a street wall at this location. A street
5 wall is what we would see in a downtown.
6 There are gaps. There are gaps between the
7 the buildings throughout this area, as this
8 photograph shows.

9 RICH ROCKWELL: Okay. But what about
10 the setback? I mean, those buildings are set
11 back in a sort of a uniformity of a
12 streetscape through the setback. And you've
13 completely eliminated that by putting the
14 building on the back of a parking lot.

15 JOHN MCDONOUGH: It is a - the
16 streetscape in the area is varied. Look at
17 that school across the street, and it's
18 recessed. You've got a building turned on
19 an - on an angle on the opposite side.

20 RICH ROCKWELL: So I'm talking about
21 the same side of the street.

22 JOHN MCDONOUGH: Again, we take the
23 whole context. We - we take the whole context
24 when we look at that. I certainly do not see
25 a strong street wall or a continuity of - of

1 setback in this particular area. It's varied.
2 That's what - the diversity of building forms
3 and - and setbacks are what makes this area
4 special.

5 RICH ROCKWELL: So one of the other
6 concerns is unattractive alterations to
7 certain buildings. Would you consider the
8 demolition of building an unattractive
9 alteration to the building?

10 JOHN MCDONOUGH: I don't see any
11 prohibition in your zoning ordinance against
12 demolishing buildings. Your master plan
13 language is articulated in your zoning
14 ordinance.

15 RICH ROCKWELL: I'm talking about the
16 master plan where it says we want to avoid
17 unattractive alterations to buildings in
18 this - in this specific commercial district.

19 JOHN MCDONOUGH: And this is not an
20 unattractive alteration. That's subjective.

21 RICH ROCKWELL: Okay. All right.
22 Thank you. Okay. Those are all my questions
23 for now. Thank you.

24 ALAN LAQUAGLIA: Thank you, Councilman.
25 Mr. Babula, I see your hand raised.

1 GREGORY BABULA: Yes, I do have a
2 question or two for Mr. McDonough, but I want
3 to go back to what Mr. Phillips was talking
4 about with the parking design standard that he
5 raised. Aware in a neighborhood B2 zone, if I
6 recall correctly, Mr. Phillips stated the
7 design standard required the parking to be
8 behind the building.

9 Mr. Phillips could - since that's the
10 first time that I heard that, I guess it's the
11 first time the Board heard that. Could you
12 just briefly recap? Recap that part of your
13 testimony.

14 PAUL PHILLIPS: Surely. So the Land
15 Development Ordinance has a section which
16 addresses it's entitled, I think, Specific
17 Design standards. It's separate and apart
18 from Phillips.

19 MICHAEL RUBIN: Mr. Phillips, can I
20 stop you there? Can we swear him in, please?

21 ALAN LAQUAGLIA: Well, we swore Mr.
22 Phillips -

23 PAUL PHILLIPS: I think we were sworn
24 in at the last meeting.

25 MICHAEL RUBIN: Did you swear in? I

1 don't remember that you were sworn in. I
2 can't remember.

3 PAUL PHILLIPS: Do it again. Okay.

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

7 PAUL PHILLIPS: I do.

8 AMANDA WATERS: Please state your first
9 and last name for the record.

10 PAUL PHILLIPS: Paul Phillips.

11 AMANDA WATERS: Thank you.

12 PAUL PHILLIPS: Thank you. So there is
13 a section. It is referenced Section 315-30.
14 It's entitled Specific Design Standards.
15 Again, this is not - these are not zoning
16 standards. They're design standards, and
17 under Section O, which relates to off street
18 parking, they're under O number 13,
19 essentially indicates that in a B zone,
20 parking is not allowed in a front yard.

21 And again, my recollection - my
22 recollection is that it was both the B2 zone
23 and the central business district zone that
24 had this prohibition. They were the only two
25 zones that did. And that's kind of why I

1 raised the issue.

2 GREGORY BABULA: Okay. I'm looking at
3 it, and it does, in fact, apply to CBD and to
4 B2. So from a planning perspective, so you
5 know, zoning ordinances, you know, at least
6 from my perspective or somewhat aspirational
7 in terms of implementing the vision
8 articulated in the master plan.

9 So does the fact that the previous use
10 of this property, where the parking, I guess
11 you consider a front yard, I guess you could
12 consider side yard because of the orientation
13 of the building, from a planning perspective,
14 does that preclude imposing this design
15 standard on a new use or redevelopment of the
16 property when the current property is
17 completely demolished and replaced by
18 something completely, completely new?

19 Because Mr. McDonough would seem to be
20 suggesting that, well, you know, the parking
21 was sort of front yard before, so it should be
22 allowed to continue. But I mean, everything
23 is going to be torn up and removed. So does
24 that necessarily preclude us from considering
25 this design standard for anything new that's

1 going to be put here from a planning
2 perspective?

3 PAUL PHILLIPS: Are you asking me, Mr.
4 Babula?

5 GREGORY BABULA: Yes, I'm asking -

6 PAUL PHILLIPS: Or Mr. McDonough? I
7 just want to be clear.

8 GREGORY BABULA: I'm sorry. Yeah, I'm
9 asking - I'm guess I'm getting a little tired
10 here, but I'm asking your opinion on that.

11 PAUL PHILLIPS: Yeah. So as you're
12 aware, the applicant's proposal is to
13 basically demolish the existing building. And
14 do, you know, substantial improvements to the
15 to the site. He's not retrofitting the
16 building or using the existing parking area.

17 So that's why I raised the issues that
18 this standard does exist in the design section
19 standard of the Land Development Ordinance.
20 And I think it's fair to ask the applicant to
21 address it, which is why I raised the - the
22 question and why I raised the issue of is
23 there something special or unique about this
24 site or this portion or context of the larger
25 B2 district that would give the applicant a

1 basis to sort of argue and convince the Board
2 that that relief should be granted. That's
3 why I raised the issue.

4 So the short answer, it's a legitimate
5 question, I think, for you, as a Board member,
6 to ask the applicant and the applicant's
7 witnesses as to why they feel that, you know,
8 that standard should not be met.

9 GREGORY BABULA: And is a design
10 standard something for which we would need to
11 grant a variance if the applicant wanted to
12 deviate?

13 PAUL PHILLIPS: No.

14 GREGORY BABULA: Or is this just more
15 of a guideline?

16 PAUL PHILLIPS: It would - well, it
17 would be a design exception based on the
18 municipal land use statute. We also commonly
19 refer to it as a design waiver.

20 And Mr. McDonough was correct. He - he
21 obviously knows the standards for a design
22 exception, and I'm paraphrasing, but basically
23 in order to to grant it, the request has to be
24 reasonable. It has to be within the overall
25 spirit of the standards. And you have to show

1 that it would sort of be impractical at this
2 location to meet the standard.

3 And again, that that's why I raised the
4 issue. And, you know, you heard Mr.
5 McDonough's response. I had a couple of
6 follow-up questions. And again, I think it's
7 a legitimate issue for the applicant and the
8 Board to consider.

9 GREGORY BABULA: And for the Board to
10 consider this, I mean, what criteria should
11 should we take into account? Now, the B2 zone
12 in this location, I believe, extends along
13 Broad Street, where it makes that left turn
14 north and encompasses, I believe, you know,
15 the storefronts along that part of Broad
16 Street where there's a Krauszer's (phonetic)
17 and there's an auto parts store. The post
18 office.

19 And I think there is like one or two
20 sites that has front yard parking, you know,
21 legacy parking there. But I think most of
22 them, most of their properties there do kind
23 of adhere to this design standard where the
24 parking is in the rear, hidden from the street
25 and the properties. The buildings are pretty

1 much up on the sidewalk.

2 So should we consider the context of
3 that whole district and how this application
4 compares to that when deliberating, you know,
5 that design waiver request?

6 PAUL PHILLIPS: Yeah. Look, and again,
7 this is why I raised the question. I think
8 that that standard is there for a reason. And
9 the reason could possibly be that the
10 predominant uses within the B2 zone, within
11 the township as a whole basically don't have
12 parking in the front yard. I mean, I didn't
13 do that study, but I raised the issue of the
14 immediate context because I think that's most
15 important to the Board's consideration and the
16 applicant's request here. And it's really the
17 applicant's burden to basically do that
18 analysis and study.

19 I mean, I've looked at this area. I've
20 looked at the site. You don't have street
21 wall buildings here. Mr. McDonough is
22 correct. But by the same token, if you look
23 at the office building directly adjacent,
24 there's green space in the front yard, and the
25 first parking space doesn't start until you

1 get on the other side of the facade of the
2 building.

3 So again, I don't know the history of
4 development in this particular area, but I
5 think it's a legitimate, again, a legitimate
6 issue for the Board to consider and for the
7 applicant to address.

8 GREGORY BABULA: All right. Thank you.

9 PAUL PHILLIPS: You're welcome.

10 GREGORY BABULA: So, Mr. McDonough,
11 so - so getting - with respect to the - the
12 sign variance request, so this is a
13 neighborhood business zone, as we've, you
14 know, clearly established, semi-residential,
15 25-mile-an-hour speed limit on Broad Street.
16 It's not a highway location. So it's not
17 like, you know, folks are going to be whizzing
18 by and, you know, risk, you know, missing
19 their turn off.

20 So from a - and Mr. Intindola in his
21 testimony was speaking about the customers who
22 are going to be ordering on a mobile app or
23 the delivery drivers, Uber and DoorDash, et
24 cetera. And those apps are, you know, have
25 built in, you know, navigation. And so a lot

1 of them think will simply be following, you
2 know, the navigation app to find the site.

3 So could we not reduce the square
4 footage of the signage to conform to our sign
5 ordinance without sacrificing safety, given
6 that folks would be navigating using their
7 phones and, you know, they're only going to be
8 going by at 25 miles an hour and not 50? I
9 mean, this seems to be an opportunity to - to
10 make a better effort to conform with the sign
11 ordinance here.

12 JOHN MCDONOUGH: The only thing I can
13 say with respect to the sign package is the
14 options, I think, in terms of certainly on the
15 facade are eliminating one of the signs. But
16 I think it's arguable that each one of those
17 signs serve a useful purpose, whether it's
18 wayfinding or - or brand identification. I
19 don't think they're excessive in that regard.

20 So the second option would be to
21 actually reduce the size of those signs, to
22 get them down to that 70 square foot
23 threshold. I think we'd have to lose about 30
24 square feet or so.

25 Again, I think to do that erodes

1 the - the overall proportionality and balance
2 of the sign package. I think it fits nicely
3 within the context of the architectural plan.
4 I think it does provide a certain element
5 of - of brand familiarity. This is what a
6 customer may expect when they when they come
7 to one of these types of facilities in terms
8 of the presentation.

9 So it's a balance. That's all. It's
10 balance here to effectuate what's - what's a
11 good plan and a good purpose, a good project
12 that the applicant is asking for that relief.

13 GREGORY BABULA: All right. Okay.
14 Well, I do hear what you're saying, but I
15 would note that our sign ordinance was
16 recently updated within the last year or so
17 after an extensive review. I think it took
18 more than a year or two, and it may have been
19 affected by the pandemic. And I'm just not
20 really hearing a compelling argument for us to
21 now deviate from that carefully crafted
22 ordinance. But - but thank you for your
23 testimony.

24 JOHN MCDONOUGH: Thank you.

25 ALAN LAQUAGLIA: All set, Mr. Babula?

1 GREGORY BABULA: Yes, Mr. Chairman.

2 ALAN LAQUAGLIA: Mr. Farnsworth, you
3 had a question?

4 ZACHARY FARNSWORTH: Yes. Thank you,
5 Mr. Chairman. Mr. McDonough, going back to
6 the design exception that would be required,
7 why is it impractical to have the parking in
8 the side yard of this property?

9 JOHN MCDONOUGH: It's interesting. The
10 actual word is impracticable.

11 ZACHARY FARNSWORTH: Impracticable.
12 Excuse me. Why is it impracticable?

13 JOHN MCDONOUGH: And if there's
14 actually two different things - mean two
15 different things. But the word impracticable,
16 as I understand it, means.

17 ZACHARY FARNSWORTH: I understand the
18 definition of the word. Thank you.

19 JOHN MCDONOUGH: Yeah. Serves no
20 practical purpose. So again, I'm not, in my
21 view, to flip the layout here with the
22 building in the front and the parking in the
23 back, in my view, serves no practical planning
24 purpose. You now have a building that
25 effectively has two sides, a front that faces

1 the street and a front that faces the parking
2 lot. And it moves the entire active area
3 closer to the residential uses where we're
4 trying to maintain some separation and some
5 privacy.

6 At this particular location, which has
7 had a parking lot right up against those homes
8 for many years, I think this improves the
9 site's integration with that residential
10 neighborhood. So I think that does serve a
11 practical planning purpose.

12 Whereas failure to grant the relief, I
13 think, would not serve a practical planning
14 purpose.

15 ZACHARY FARNSWORTH: Well, you told me
16 the word was impracticable, and impracticable,
17 my understanding of the word is that means you
18 cannot implement it, right? It's difficult.
19 Difficult to implement something that's
20 impracticable, correct? Is that a fair -

21 JOHN MCDONOUGH: No, I disagree with
22 that. I think impractical - I think that's
23 the definition of impractical.

24 ZACHARY FARNSWORTH: Okay. I think we
25 disagree on that. But in any event, I'm still

1 not hearing why - why is it, whatever the word
2 is impracticable, impractical, why is it that
3 the parking cannot be in the side yard of
4 this? Why - why does it have to be in the
5 front? Why can't it - basically, why can't
6 the layout of the parking remain the same as
7 it currently is in the property that is
8 currently designed?

9 JOHN MCDONOUGH: I'll just say this.
10 I'm not the designer. A designer can do
11 anything, I think.

12 ZACHARY FARNSWORTH: Okay. So would it
13 be fair - would it be fair to say that it
14 seems to be a simply a design choice by the
15 applicant and their design professionals?

16 JOHN MCDONOUGH: A rational design
17 choice, yes.

18 ZACHARY FARNSWORTH: But it is a design
19 choice. Meaning - meaning they had other
20 options, but they chose this one, correct?

21 JOHN MCDONOUGH: Every design is a
22 design choice. Yes.

23 ZACHARY FARNSWORTH: Okay. All right.
24 I have nothing further, Mr. Chairman.

25 ALAN LAQUAGLIA: Thank you, Mr.

1 Farnsworth. Mr. Lasek, you have a question?

2 PAUL LASEK: Yeah. Going back to like
3 the previous testimony when we were talking
4 about parking and parking allocation and the
5 number of spaces, it was brought to our
6 attention about the uniqueness of this use,
7 that it's not a drive-through, it's not a sit
8 down restaurant. It's something unique that
9 uses mobile apps and delivery services.

10 How do we square that as a Board that,
11 you know, we can be comfortable with the
12 parking requirement that's provided if the
13 testimony kind of indicates that this isn't
14 the same as any of those restaurants, no
15 drive-through. Mobile apps are being used,
16 delivery services. It's not really a sit-down
17 restaurant.

18 So the obviously the questions, as you
19 might have heard, came up is, are there enough
20 spaces or are they sufficient under the
21 understanding that, well, if it is, you know,
22 if the ordinance says this is what it is, it
23 complies. That's what it is. And we're kind
24 of locked into that. I'm just trying to get
25 an idea as to how we - how you would think as

1 a Board we would square that type of standard
2 when, apparently, there aren't any in
3 existence for this type of use that can be
4 compared to or considered a standard.

5 JOHN MCDONOUGH: Well, I think the
6 answer is twofold. Number one, you've got
7 credible and reliable testimony on the record
8 from a sworn - a sworn expert under oath that
9 the parking supply will meet the demand here.
10 And you do have a nexus in your - in your
11 ordinance with what I think is an appropriate
12 category for categorizing this relief. So I
13 haven't seen anything to the contrary.

14 PAUL LASEK: All right. Thank you.

15 ALAN LAQUAGLIA: Any other questions,
16 Board. I don't see any hands. Let me just
17 look one more time. Amanda, do you see any
18 questions from the Board?

19 AMANDA WATERS: Not from the Board.

20 ALAN LAQUAGLIA: Not from the Board.
21 Okay. At this point, I'll open it up for
22 questions from the public. Has to be a
23 question and only Mr. McDonough's testimony.
24 I see Michelle Capistrano.

25 MICHELLE CAPISTRANO: And yes, this is

1 Michelle Capistrano. 1246 Broad Street.

2 ALAN LAQUAGLIA: What was your address
3 again, ma'am?

4 MICHELLE CAPISTRANO: Say that again.

5 ALAN LAQUAGLIA: Your address.

6 MICHELLE CAPISTRANO: It's 1246 Broad
7 Street.

8 ALAN LAQUAGLIA: Okay.

9 MICHELLE CAPISTRANO: Yes. My question
10 is regarding - because my understanding
11 earlier is that we're going to rebuild the
12 restaurant at the back instead of what it is
13 currently. So how are we going to diminish
14 the noise of the building and the demolishing
15 of the building while there is a school going
16 on? And how do we ensure that this will not
17 affect the ongoing traffic during building
18 time?

19 JOHN MCDONOUGH: I think that may be
20 more of a - of a police regulation, something
21 that is worked into your - your code for any
22 type of construction project. It's not really
23 a zoning issue, per se.

24 ALAN LAQUAGLIA: Well, Mr. Lasek,
25 there's rules concerning this, isn't there,

1 sir?

2 PAUL LASEK: Related to noise and
3 construction?

4 ALAN LAQUAGLIA: (Inaudible). I
5 believe she was questioning the demolition of
6 the building.

7 PAUL LASEK: The building's demolished,
8 So that's done. I mean, as far as
9 construction there are - there are permits you
10 need for construction. They relate to, you
11 know, noise. We have a noise ordinance as to
12 when they can work and when they can't.

13 There's also soil erosion and sediment
14 control applications that need to be applied
15 for to maintain that any of the work or
16 disturbance doesn't, you know, impact any of
17 the downstream properties.

18 So there's a number of, you know,
19 regulations that have to be applied to during
20 construction. You know, some of them are
21 coming through the building department, some
22 of them are through the Soil Erosion and
23 Conservation Service.

24 That's kind of the way that's enforced.
25 And again, as I said, the noise ordinance, if

1 the noise is excessive in the timeframes that
2 are established, they would - they would
3 be - they would have to adhere to that.

4 ALAN LAQUAGLIA: That answer your
5 question, ma'am?

6 MICHELLE CAPISTRANO: Yes, Thank you
7 very much.

8 ALAN LAQUAGLIA: Thank you. Any other
9 questions from the public? Amanda, do you see
10 anybody?

11 AMANDA WATERS: Mr. Trimboli has his
12 hand up.

13 ALAN LAQUAGLIA: Mr. Trimboli, you have
14 a question, sir?

15 GLENN TRIMBOLI: Yeah. Really quick.

16 ALAN LAQUAGLIA: Gotta be a question
17 now.

18 GLENN TRIMBOLI: It is a question. I
19 promise. I've learned my lesson. What's the
20 story with the sanitation? How close would
21 that be in respect to the residential?
22 Because you didn't mention anything on
23 sanitation between the parking and the
24 building design. I didn't see where the
25 garbage cans and those sanitation things where

1 they're being placed and what's going on with
2 that? Thanks.

3 JOHN MCDONOUGH: Sure. There's no
4 relief being requested with respect to the
5 location of the refuse. They were shown on
6 the engineering plans during the site planning
7 testimony, and they, again, the location fully
8 complies.

9 STEPHEN JOSEPH: They're - they're
10 adjacent to the - to the firehouse. But that
11 was in the civil testimony at the - at the
12 last hearing.

13 JOHN MCDONOUGH: Right. They're not
14 against the houses.

15 ALAN LAQUAGLIA: Okay, sir. Thank you.
16 Any other questions? I don't see anybody
17 trying to get in. Do you see anybody, Amanda?

18 AMANDA WATERS: No, I'm just lowering
19 their hands.

20 ALAN LAQUAGLIA: I'll ask one more
21 time. Are there any questions from the
22 public? None. That portion is closed. Thank
23 you, Mr. McDonough.

24 JOHN MCDONOUGH: Thank you, Mr. Chair.

25 ALAN LAQUAGLIA: Well, Mr. Joseph, it's

1 after 10:00. You're going to have to come
2 back. I think Mr. - we'll have Mr. Phillips
3 have his - give his take. But I think that
4 would - at the end of the next meeting. Do
5 you agree with that, Mr. Phillips?

6 PAUL PHILLIPS: Yes, Mr. Chairman.

7 ALAN LAQUAGLIA: We'll do that at the
8 end of the meeting. Yeah. And so you have a
9 little bit of work to do. Mr. Intindola, Mr.
10 Corak should get together and - or at least
11 discuss it verbally. I think it would be a
12 good idea if you include Mr. Marucci and Mr.
13 Lasek in that discussion. I think we could
14 just take it from there. You pretty much have
15 an idea what the Board is looking for,
16 correct, Mr. Joseph?

17 STEPHEN JOSEPH: I believe I do. I
18 just wanted to ask if - if there was - I was
19 out of the office the last - the last two
20 weeks, if there was a report issued on the
21 updated plans or if there will be an updated
22 report issue - issued from the - from the
23 Board's professionals.

24 BRIAN INTINDOLA: From my office, yes,
25 based on the - the input that you got from the

1 spreadsheet. Now, I can include that in the
2 review letter. So you should have that before
3 the next hearing.

4 ANTHONY MARUCCI: That unless the plans
5 are revised again, I'm not going to issue
6 another report. If I have any concerns, I
7 will provide them in testimony.

8 PAUL PHILLIPS: And I don't intend to
9 issue a report, Mr. Joseph.

10 STEPHEN JOSEPH: Understood.

11 ALAN LAQUAGLIA: You're in
12 communication with Mr. Rubin, Mr. Joseph,
13 correct? So -

14 STEPHEN JOSEPH: Absolutely.

15 ALAN LAQUAGLIA: - any questions, you
16 guys can work it out.

17 STEPHEN JOSEPH: Mr. Rubin has been
18 fantastic to deal with. You have the best
19 Board attorney in the whole state.

20 ALAN LAQUAGLIA: Absolutely. Maybe the
21 country, maybe the world.

22 MICHAEL RUBIN: Flattery will get you
23 nowhere.

24 STEPHEN JOSEPH: One can try.

25 ALAN LAQUAGLIA: Yeah. Right. We have

1 to schedule a special meeting again for this
2 Board. I think that would be the best way to
3 do this. It's going to take you gentlemen and
4 ladies at least a couple of weeks to
5 get - work this out. So probably looking at
6 the beginning of December sometime.

7 GREGORY BABULA: Well, Mr. Chairman, is
8 it really - is it really necessary to schedule
9 a special meeting?

10 ALAN LAQUAGLIA: Well, Mr. Babula, we
11 have stuff on board already. I believe our
12 next meeting is November 22nd. What do we
13 have on for December, Amanda?

14 AMANDA WATERS: December 6th. So
15 you're on for the 22nd of November and the 6th
16 of December.

17 ALAN LAQUAGLIA: Do we have much on for
18 the 6th? I know we have a couple applications
19 for November at the end of November already.
20 I think it would be in the best - do we have
21 anything on for December 6th?

22 AMANDA WATERS: Hold on a second. I'll
23 tell you.

24 GREGORY BABULA: And while she's
25 checking, you know, just you know, now that

1 we're getting into the holiday period
2 between -

3 ALAN LAQUAGLIA: Yeah, yeah, I
4 understand that. But I think we've been for a
5 couple meetings already, and I think they
6 deserve a meeting just on their own.

7 AMANDA WATERS: Yeah. You only have
8 the one. You only have the one on December
9 6th.

10 ALAN LAQUAGLIA: One application.

11 AMANDA WATERS: Yes. That's correct.
12 Right now.

13 ALAN LAQUAGLIA: All right. Mr. Rubin,
14 do you think it's a good idea to schedule this
15 for December 6th then?

16 MICHAEL RUBIN: Yeah. And it would be
17 first.

18 ALAN LAQUAGLIA: It would. Yeah. Is
19 that fine? Are you okay with that, Mr.
20 Joseph?

21 STEPHEN JOSEPH: Absolutely.

22 ALAN LAQUAGLIA: Your experts and all.
23 Everybody will clear for that.

24 STEPHEN JOSEPH: We - we will make that
25 work. Absolutely.

1 ALAN LAQUAGLIA: Okay. Yeah. We will
2 put this application on first. Correct, Mr.
3 Rubin?

4 MICHAEL RUBIN: Yeah. It's still
5 because it's open. It's continued.

6 ALAN LAQUAGLIA: Yeah. All right.
7 Good point. Anybody else have any comments or
8 anything? At that point again. Can I have
9 a - again, you'll relieve us of all time
10 constraints. Correct, Mr. Joseph?

11 STEPHEN JOSEPH: Yes.

12 ALAN LAQUAGLIA: Okay. At that point
13 then, can I have a motion to adjourn this
14 application to the December 6th meeting?
15 Anybody.

16 GREGORY BABULA: So moved.

17 ALAN LAQUAGLIA: All right. Mr. Babula
18 made the motion.

19 JENNY MUNDELL: Second.

20 ALAN LAQUAGLIA: Second, Councilwoman
21 Mundell. All in favor.

22 MULTIPLE VOICES: Aye.

23 ALAN LAQUAGLIA: Anybody opposed?
24 None. We will see you December 6th. So moved
25 December 6th. And that's a regular meeting.

1 So it starts at 7 o'clock.

2 STEPHEN JOSEPH: Great. Thank you all
3 so much. Have a good evening.

4 ALAN LAQUAGLIA: Mr. Joseph, you know
5 what you have to do, and there is some work
6 that has to be done to continue this thing.

7 STEPHEN JOSEPH: Yes, sir.

8 ALAN LAQUAGLIA: Have a good night,
9 everybody. See everybody in a few weeks.

10 GREGORY BABULA: Hey, Amanda.

11 AMANDA WATERS: Yes.

12 GREGORY BABULA: This is Greg. Is our
13 next - our next regular meeting is the 22nd of
14 November.

15 AMANDA WATERS: Yes.

16 GREGORY BABULA: Okay. Because I have
17 the wrong date in my calendar. I thought it
18 was next Tuesday for some reason. All right.

19 AMANDA WATERS: No, it's - it's the
20 22nd.

21 GREGORY BABULA: Cool. I get next
22 Tuesday night off then.

23 AMANDA WATERS: So do I.

24 GREGORY BABULA: Good for you.

25 ALAN LAQUAGLIA: Good night, everybody.

1 GREGORY BABULA: All right. Have a
2 good night.

3 ALAN LAQUAGLIA: Take care.

4 MICHAEL RUBIN: We need a motion to
5 adjourn.

6 AMANDA WATERS: Motion to adjourn.

7 ALAN LAQUAGLIA: Motion to adjourn.

8 GREGORY BABULA: So moved.

9 (Overlapping voices)

10 AMANDA WATERS: Wait a minute. Who is
11 all that?

12 ALAN LAQUAGLIA: Who made the motion?

13 GREGORY BABULA: I did. I moved. And
14 Ms. Richardson -

15 ALAN LAQUAGLIA: Mr. Farnsworth
16 seconded?

17 AMANDA WATERS: Okay.

18 ALAN LAQUAGLIA: He's still there. And
19 then it was unanimous.

20 MICHAEL RUBIN: Good night, everyone.

21 ALAN LAQUAGLIA: Good night, Mike.
22 Take care, everybody.

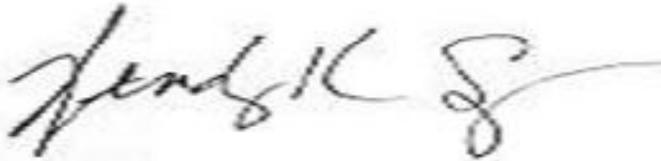
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CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings, and that the transcript is a true record, to the best of my ability.

DATED this 12th day of July, 2023.



WENDY SAWYER, CDLT

MEETING OF PLANNING BOARD TOWNSHIP OF BLOOMFIELD

Meeting

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