

BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES

March 8, 2023

PLEASE TAKE NOTE:

ON WEDNESDAY, MARCH 8, 2023, THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MIDLAND PARK HELD A REGULAR MEETING IN THE MIDLAND PARK COUNCIL CHAMBERS, 280 GODWIN AVE., MIDLAND PARK, NJ. THE FORMAL MEETING BEGAN AT 7:30 P.M

FORMAL MEETING

READING OF THE OPEN PUBLIC MEETINGS ACT

PLEDGE OF ALLEGIANCE

ROLL CALL:

Mr. Les Andersen	present	Mr. Mark Divak	present
Mr. David Zuidema	present	Mr. William Placier	excused
Mr. Richard Formicola	present	Mr. David Barlow	present
Mr. Nick Papapietro	present	Mr. Joseph Eliya, Alt #1	present
		Mr. James Capalbo, Alt #2	present

Attendance by Board Professionals: R. Landel, Esq., Attorney; R. Wostbrock, Engineer; D. Novak, Planner

Minutes of the 12/14/22, 1/11/23, and 2/8/23 meetings – approved

PUBLIC HEARINGS

MHF Midland Park LLC/Taco Bell – 80 Godwin Avenue – BL 6 LT 17.02 – see attached transcript.

RESOLUTIONS

Termini, Kelly & Gaetano – 54 Cedar Street – BL 10.13 LT 2 – Atty. Landel explained amended made on first page of Resolution. Motion to approve the resolution as amended made by Mr. Formicola. Seconded by Mr. Divak; all eligible members voted in favor

2023 Contracts & Resolutions for Board Attorney & Engineer – Motion to approve the Contracts & Resolutions made by Mr. Zuidema. Seconded by Mr. Formicola; all voted in favor.

CLOSED SESSION

Discussion of pending litigation – Nouvelle LLC v Midland Park Board of Adjustment pursuant to NJSA 10:4-12(7)

Motion to go into closed session made by Mr. Barlow at 9:26 PM. Seconded by Mr. Divak; all voted in favor.

There being no further business to discuss, the Board adjourned the closed session at 9:57 PM and resumed the regular meeting.

Meeting Adjourned – 9:58 PM

Jessica Harmon

1 BOROUGH OF MIDLAND PARK
2 ZONING BOARD OF ADJUSTMENT
3 WEDNESDAY, MARCH 8, 2023
4 7:30 P.M.

5 -----
6 IN THE MATTER OF:) TRANSCRIPT OF
7)
8 APPLICATION OF)
9 MHF MIDLAND PARK, LLC/) PROCEEDING
10 TACO BELL -)
11 80 GODWIN AVENUE,)
12 BLOCK 6, LOT 17.02.)
13 -----

14 B E F O R E:

15 LES ANDERSON, CHAIRMAN
16 NICK PAPAPIETRO, VICE CHAIRMAN
17 RICHARD FORMICOLA, SECRETARY
18 DAVID BARLOW, MEMBER
19 JAMES CAPALBO, MEMBER
20 WILLIAM PLACIER, MEMBER (ABSENT)
21 MARK DIVAK, MEMBER
22 JOSEPH ELIYA, MEMBER
23 DAVID ZUIDEMA, MEMBER

24 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
25 CERTIFIED COURT REPORTERS
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EXHIBITS

15	NO.	DESCRIPTION	IDENT/EVID
16		(No Exhibits marked.)	

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1 A P P E A R A N C E S:

2 ROBERT LANDEL, ESQUIRE
3 Counsel for the Zoning Board of Adjustment
4 BRUCE WHITAKER, ESQUIRE
5 McDONNELL & WHITAKER
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7 Ramsey, New Jersey 07446
8 Counsel for the Applicant
9 STEVEN TOMBALAKIAN, ESQUIRE
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11 629 Parsippany Road
12 Parsippany-Troy Hills, New Jersey 07054
13 Counsel for the Objector, Burger Barn

14 A L S O P R E S E N T:

15 JESSICA HARMON, Board Secretary
16 THOMAS BEHRENS, P.P., Board Planner
17 RICHARD WOSTBROCK, P.E., Board Engineer

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1 (Whereupon, the following is a
2 transcription of the Audio File for the
3 March 8, 2023 Meeting of the Borough of
4 Midland Park Zoning Board of Adjustment
5 regarding the matter of Application of MHF
6 Midland Park, LLC, Taco Bell, 80 Godwin
7 Avenue, Block 6, Lot 17.02.)

8 CHAIRMAN ANDERSEN: I call this meeting
9 to order. This is a meeting of the zoning board of
10 adjustment held on Wednesday, March 8, 2023.
11 Adequate notice of this meeting has
12 been provided to the public by written notice of the
13 time, date and place of the meeting, having been
14 delivered to The Ridgewood News and The Record, and
15 by posting a copy of the said notice on the bulletin
16 board at the Municipal Building, and by filing a copy
17 of said notice with the Borough Clerk, all this
18 required by the Open Public Meetings Act.

19 Please stand for the pledge.

20 (Whereupon, all rise for a Recitation
21 of the Pledge of Allegiance.)

22 MS. HARMON: Mr. Zudeima?

23 MR. ZUDEIMA: Here.

24 MS. HARMON: Mr. Formicola?

25 MR. FORMICOLA: Here.

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1 MS. HARMON: Mr. Papapietro?
 2 MR. PAPIPIETRO: Here.
 3 MS. HARMON: Mr. Divak?
 4 MR. DIVAK: Here.
 5 MS. HARMON: Mr. Barlow?
 6 MR. BARLOW: Here.
 7 MS. HARMON: Mr. Eliya?
 8 MR. ELIYA: Here.
 9 MS. HARMON: Mr. Capalbo?
 10 MR. CAPALBO: Here.
 11 MS. HARMON: Mr. Andersen?
 12 CHAIRMAN ANDERSEN: Here.
 13 All right. We're going to do the
 14 minutes one by one.
 15 (Whereupon, the Midland Park Zoning
 16 Board of Adjustment conducts agenda items from
 17 1:09 to 2:23 on the digital counter.)
 18 CHAIRMAN ANDERSEN: We have one public
 19 hearing on tonight, MHF Midland Park, LLC/Taco Bell.
 20 Mr. Whitaker, you'll enter your
 21 appearance?
 22 MR. WHITAKER: Yes.
 23 Good evening, Mr. Chairman, Members of
 24 the Board, for the record, Bruce Whitaker from the
 25 firm of McDonnell & Whitaker, representing the
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1 once the Columbia Bank facility before Columbia Bank
 2 took over Atlantic Stewardship and then vacated the
 3 building.
 4 The applicant has a proposal to remove
 5 the building and to put in a building of 2,000 square
 6 feet.
 7 The property is well oversized as a
 8 center. Your minimum requirement there is 10,000
 9 square feet and we're over 150,000 square feet on the
 10 center itself.
 11 You will hear the testimony as we go
 12 through this that the applicant is actually proposing
 13 to reduce the amount of building coverage, it'll be
 14 less than what was previously approved.
 15 You were granted -- there was a
 16 variance granted originally by the board for an
 17 83.6 percent improved lot coverage, and we will be
 18 reducing that. And there was a variance granted for
 19 it in the past, but now we're going to reduce that
 20 nonconformity.
 21 The quick-service restaurant would have
 22 five stations, and you'll hear from our first
 23 representative as it pertains to how the restaurant,
 24 which would be a Taco Bell, will operate. And it
 25 will be based upon the experience of a person from
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1 applicant, MHF Midland Park, LLC.
 2 I have previously submitted by
 3 affidavit of service, proof of publication to
 4 counsel, as well to the board, and confirm that they
 5 are in order and we can proceed.
 6 MR. LANDEL: The notices of the
 7 publication are in order.
 8 MR. WHITAKER: Thank you very much.
 9 This is an application to construct a
 10 2,000-square-foot one-story building at 80 Godwin
 11 Avenue, Midland Park, New Jersey, part of the
 12 shopping center that you're very familiar with. This
 13 town had reviewed this previously with the
 14 construction of the CVS and the other related
 15 improvements for that center.
 16 The property is Block 6 of Lot 17.02 as
 17 shown on your tax map. The property is in the B3
 18 business zone. It permits businesses, retail and
 19 office zones. It permits restaurant use.
 20 There are two buildings located on the
 21 site at this time. The applicant is proposing to
 22 construct this freestanding building on the easterly
 23 side of the property for a quick-service restaurant
 24 for a drive-through.
 25 As those of you will recall, this was
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1 Taco Bell, representative of Taco Bell, that knows
 2 what the amount of service, hours of operation,
 3 number of employees; all the operational aspect,
 4 that'll be our first witness.
 5 We meet the requirements for a
 6 drive-through as far as the queuing is concerned and
 7 as far as the distance from a residential zone. That
 8 was one of the things that was in your original
 9 ordinance when you work with drive-throughs, and I've
 10 done a series of drive-throughs in this town, as
 11 board members may be aware in the past, and I know
 12 that the ordinance, over time, has been modified.
 13 It is submitted that the variance
 14 relief in this particular instance can be granted and
 15 what is the variance we are seeking? Well, you
 16 permit drive-throughs, but the drive-throughs that
 17 are permitted are not permitted for a restaurant use.
 18 There was a modification made to your ordinance in
 19 2021 pertaining to that.
 20 So the first thing to just establish is
 21 that it's not like we have a use that is not
 22 permitted at all from a site plan aspect.
 23 By that I mean that a drive-through
 24 itself, the queuing lane, the distance that you need
 25 for the number of cars to queue and that type of
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1 thing, that's all promulgated and set forth in your
 2 ordinance already.
 3 It's the concept of a restaurant, you
 4 permit quick-service restaurants, and they're defined
 5 in your ordinance also. So you permit that type of
 6 use in this zone, and you'll hear testimony that part
 7 and parcel of the quick-service restaurant post-COVID
 8 is an expectation that a drive-through would be part
 9 of it.

10 That's not the proffer that I have to
 11 give to you to prompt a variance relief to be granted
 12 for a use variance. You know the requirements for a
 13 use variance, and we'll go over that eventually with
 14 our planner.

15 But what we're basically stating is
 16 this site is particularly suited for the
 17 drive-through that we are proposing, particularly
 18 suited, and you'll hear from our engineer as well as
 19 our planner and our traffic expert, that the site can
 20 accommodate this because a major concern with
 21 drive-through restaurants is, is there sufficient
 22 queuing for a drive-through.

23 Well, you have an ordinance that says
 24 we need 150 feet for the queuing of motor vehicles,
 25 so that they're not stacked out on the roadway.

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1 somewhat unique and maybe not contemplated when the
 2 ordinance got modified in 2021, in this instance the
 3 property is particularly suited for what we are
 4 proposing.

5 And what I do have to emphasize is that
 6 your ordinance does not say that drive-throughs in
 7 and of themselves cannot be permitted in the borough;
 8 it's just a drive-through that pertains to a
 9 restaurant use itself.

10 So we are seeking that D variance.

11 In addition to that, there are certain
 12 C variances that we are requesting. They've all been
 13 listed in the notice. They are listed and correctly
 14 in your planner's report, and we will deal with them
 15 as we go through them. They pertain to certain
 16 setbacks for some structures that exist, including
 17 one which is the bar that goes over for the height
 18 bar that we use at drive-throughs, just where that's
 19 being situated. So it's not our building, itself.

20 And then there are certain variances
 21 being requested for the signage on the building.
 22 We'll get to that when we have the testimony from our
 23 architect.

24 On the basis of that, I've had the
 25 benefit of the Burgis report dated 1/20/23. I've

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1 In this instance, we meet that
 2 requirement.

3 But let's just say that the
 4 requirements for queuing with a restaurant is more
 5 than 150 feet. In our instance, we're going to show
 6 you that it's not, but we can accommodate far more
 7 than that because, contrary to the typical
 8 drive-through where you're queuing from a roadway in,
 9 and then you're going into a drive-through and then
 10 leaving and going out on a public roadway again, this
 11 is going to be very different.

12 In this instance, we're going to have a
 13 situation where all of the traffic for this
 14 restaurant will be able to be accommodated on the
 15 private property, itself.

16 In other words, through the driveway
 17 that's into the shopping center, itself, coming
 18 around the driveway itself.

19 So the aspect of not wanting a
 20 drive-through for a restaurant because of the concern
 21 a borough could have about the queuing stacking up to
 22 a point that it creates a traffic issue on the public
 23 roadways would not be an issue in this instance.

24 So what we are proposing to you for
 25 variance relief is that this property, because it's

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1 also had Mr. Wostbrock's report of January 18, 2023.

2 We have, in the most revised plans,
 3 addressed most all of the concerns. There were some
 4 questions raised by Mr. Wostbrock for information
 5 that they would want at a hearing, and that's the
 6 purpose of the testimony this evening.

7 That's an overview of the application
 8 itself. Unless there's any questions of me, I took
 9 the liberty of creating a very short exhibit list,
 10 only because we will supplement it as we move forward
 11 with the witnesses.

12 I recognize time constraints at a
 13 hearing, so we're going to start this evening, but my
 14 expectation is, especially based on the letter I got
 15 at about 3:00 this afternoon, is that we have some
 16 people here that had some concerns that are going to
 17 raise questions to our witnesses, which we're
 18 prepared to answer. And we'll move ahead from there.

19 CHAIRMAN ANDERSEN: On that, before we
 20 begin, just a head's up, we have to go into closed
 21 session later tonight --

22 MR. WHITAKER: I saw that on the
 23 agenda.

24 CHAIRMAN ANDERSEN: -- to discuss
 25 pending litigation, so how many witnesses do you have

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1 tonight?
2 MR. WHITAKER: I brought two tonight
3 because I saw your agenda and I know when you have to
4 go into executive session for pending litigation,
5 that takes time.

6 CHAIRMAN ANDERSEN: All right. So you
7 won't be surprised if we run until 9:30 or so, I'm
8 going to cut you off.

9 MR. WHITAKER: Understood, okay.

10 CHAIRMAN ANDERSEN: Okay.

11 MR. WHITAKER: All right.

12 CHAIRMAN ANDERSEN: All right. Go
13 ahead.

14 MR. WHITAKER: Okay.

15 So I'm going to call my first witness
16 Santana up to testify.

17 Put the easel up.

18 I notice there's no center microphone
19 so we'll use this one.

20 MR. LANDEL: That's fine.

21 MR. WHITAKER: I'll slide over.

22 MR. LANDEL: Please raise your right
23 hand.

24 You solemnly swear the testimony you're
25 about to give at the present will now be the truth,

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1 Q. Okay. I'd like you to tell and give
2 the board some background as to your involvement in
3 this industry and your familiarity with it; the
4 length of time you've worked in the industry and that
5 type of thing.

6 **A. I've worked in the restaurant industry
7 for over 30 years. I've been with PN Restaurants
8 since October of '21.**

9 **Specifically as it pertains to QSRs,
10 I've been in QSR since 1999, managing in operations.
11 Most recently with PN Restaurants, I'm responsible
12 for real estate development and construction.**

13 Q. And your background and your
14 involvement with this industry, does that also
15 include actually being involved with the day-to-day
16 operation of it, back in your early years?

17 **A. Yeah, I did operations in all types of
18 restaurants from quick service to casual dining for
19 about -- for over 25 years.**

20 Q. And you're familiar with Midland Park
21 and have any involvement with quick-service
22 restaurants in Midland Park in your past?

23 **A. No, but I have had experience in
24 Midland Park with casual dining restaurants.**

25 Q. Okay. Which ones were they?

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1 the whole truth and nothing but the truth?

2 MR. SANTANA: Yes.

3 **EVER SANTANA,**
4 130 West Parkway, Pompton Plains, New Jersey,
5 having been duly sworn, testifies as follows:

6 MR. LANDEL: Name and address for the
7 record, please.

8 MR. SANTANA: Sure.

9 It's Ever Santana, E-V-E-R,
10 S-A-N-T-A-N-A.

11 MR. LANDEL: And your address, sir?

12 MR. SANTANA: 130 West Parkway, Pompton
13 Plains, New Jersey 07444.

14 MR. LANDEL: Thank you.

15 **DIRECT EXAMINATION**

16 **BY MR. WHITAKER:**

17 **Q. Mr. Santana, by whom are you employed?**

18 **A. I am an employee of PN Restaurants.**

19 **Q. And does PN Restaurants, and part of
20 their involvement, operate fast-food or quick-service
21 restaurants?**

22 **A. They do.**

23 **Q. And is Taco Bell one of the signature
24 brands that they deal with?**

25 **A. It is.**

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1 **A. I actually worked for Friendly's that
2 was located on Godwin Ave., quite a long time ago. I
3 can't remember exactly the years. I know it hasn't
4 been there for quite a while.**

5 **But that's -- oh, and actually, I
6 trained in Roy Rogers that was also on Godwin Avenue
7 in Midland Park, so I trained in that restaurant
8 before becoming a manager.**

9 Q. And so now in your operational aspect
10 of this type of industry, I'd like you to describe
11 what that involves; what responsibilities you have
12 and what knowledge do you have in connection with
13 that type of industry.

14 **A. So in my career, I've done everything
15 from development through construction and operations.
16 I operated multi units for a number of years, I was
17 also a franchisee and owner of a number of
18 restaurants for close to 20 years, and now, of
19 course, I'm on the other side of that as an employee
20 for PN Restaurants.**

21 Q. And you said that PN Restaurants is
22 involved with the Taco Bell franchise?

23 **A. That is correct.**

24 Q. And you're familiar with their
25 day-to-day type of operations?

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- 1 **A. I am.**
 2 **Q.** You've been to the site that's the
 3 subject of this application?
 4 **A. I have.**
 5 **Q.** You observed the site and the
 6 conditions around it?
 7 **A. I have.**
 8 **Q.** You're familiar with the fact that
 9 there are other fast-food restaurants in Midland
 10 Park?
 11 **A. I am.**
 12 **Q.** But you're confident, based upon your
 13 analysis, that this site will accommodate the Taco
 14 Bell needs?
 15 **A. Yes.**
 16 **Q.** It basically -- will -- will it fit,
 17 basically, the requirements and the needs that Taco
 18 Bell has for establishing such a facility?
 19 **A. Yes.**
 20 **Q.** I've stated that the facility is square
 21 feet of approximately 2,000 square feet?
 22 **A. Yes.**
 23 **Q.** Okay. Is that typical for a Taco Bell
 24 for the demographics that we're dealing with?
 25 **A. It is.**

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- 1 **A. There's typically three shifts that**
 2 **overlap.**
 3 **Q.** What do you mean by overlap?
 4 **A. Well, at any given time, we will have**
 5 **approximately a maximum of about eight employees per**
 6 **shift. So we break that down by day parts;**
 7 **breakfast, lunch and dinner.**
 8 **So, typically, you could have as few as**
 9 **maybe five employees on at any time, depending on the**
 10 **hours, and as many as eight.**
 11 **Q.** And so on the basis of that, your max
 12 at any given shift is eight; and am I understanding
 13 it that the shifts overlapping and they don't all
 14 leave at once and they don't all come at once?
 15 **A. That is correct.**
 16 **Q.** As far as deliveries are concerned, how
 17 many deliveries do you have in a week's time?
 18 **A. Typically we get two deliveries a week.**
 19 **Q.** And those are controlled by the owner
 20 themselves as far as when they come?
 21 **A. We are given a window by the**
 22 **distribution company.**
 23 **Q.** And do they come during the hours of
 24 operation or on off hours?
 25 **A. Usually off hours, early morning.**

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- 1 **Q.** What I'd like you to do at this point
 2 is to also explain to us, you've been part -- you and
 3 your organization that you've been part of the
 4 development of the plan with Lapatka Associates and
 5 been involved with the layout and the design that's
 6 been submitted as part of this application.
 7 **A. That is correct.**
 8 **Q.** All right. What I'd like to do now is
 9 to take us through the various operational aspects of
 10 essentially a Taco Bell as proposed. And let's start
 11 off with the days of operation and the hours of
 12 operation.
 13 **A. So we operate seven days a week.**
 14 **Typically our hours are from 8:00 a.m. to midnight,**
 15 **Monday through Thursday, until 1:00 a.m. on Fridays**
 16 **and Saturdays.**
 17 **Q.** And on the basis of that, that's what's
 18 being proposed at this facility?
 19 **A. That is correct.**
 20 **Q.** And you're familiar with the employee
 21 count and the needs -- how many employees you need at
 22 any given time?
 23 **A. Correct.**
 24 **Q.** How many shifts are there a day, since
 25 you have those types of hours of operation?

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- 1 **Q.** Okay. And do they need to have anyone
 2 on -- at the facility at the time the delivery is
 3 made?
 4 **A. No, the deliveries are done as night**
 5 **drop, so they have a lockbox, they have a key. They**
 6 **enter the facility, they drop off all the**
 7 **merchandise.**
 8 **When we come in, in the morning,**
 9 **everything is there for us to put away.**
 10 **Q.** Typically how long does a delivery
 11 take?
 12 **A. Typically anywhere between 45 minutes**
 13 **and an hour.**
 14 **Q.** And it's twice a week?
 15 **A. Twice a week.**
 16 **Q.** Now, you're familiar with the
 17 day-to-day operation of serving the customers with
 18 the seats in the restaurant as well as the
 19 drive-through itself?
 20 **A. Correct.**
 21 **Q.** I'd like you to just give the board an
 22 overview of how these restaurants operate these days,
 23 as I used in my opening, post-COVID, and what
 24 quick-service restaurants do as far as drive-through
 25 is concerned.

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1 A. So post-COVID, obviously the pandemic
2 changed everybody's business model. It's nearly
3 impossible to get a site approved by the brand unless
4 it has a drive-through.

5 In our case, typically what's happened
6 is, just because of some of the labor constraints
7 that we face with higher wages, post-pandemic, we've
8 gone to a model where we have kiosks inside the
9 store.

10 So you might have seen them at other
11 QSRs. You basically walk into the restaurant and
12 you're basically placing your own order, right? And
13 that helps us manage costs a little bit better.

14 The last Taco Bell I did has, I
15 believe, three kiosks, self-serve kiosks where the
16 customers place their own orders, and one countertop
17 POS in the event that someone just doesn't want to
18 place their own order. We have an employee there
19 that would do that.

20 Drive-throughs are essential to the
21 viability of the business. We could do typically a
22 maximum of anywhere between 30 and 35 cars per hour
23 for lunch. And our lunch day part is -- typically
24 starts at 10:00, so the 10:00 to 11:00 hour, 11:00 to
25 12:00 hour, 12:00 to 1:00 hour. So we have three

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1 in and place an order face to face with a crew
2 member.

3 Just to give you an idea of what that
4 looks like, we started our operating model with one
5 kiosk, and in many stores we've been pushed to three
6 or four kiosks. So it is a pretty significant change
7 in our operating model.

8 Having said that, our third-party
9 delivery system that we utilize through Grub Hub,
10 Door Dash, those right now are about -- somewhere
11 between 20 to 25 percent of our overall mix in terms
12 of total customers, right?

13 If you talk to anybody that's working
14 in the industry, most concepts right now are pushing
15 to have that third-party mobile ordering platform get
16 as close to 50 percent as possible. That's -- that's
17 just how customers' habits have changed
18 post-pandemic.

19 So we're -- we're kind of seeing that
20 that's pretty typical to what the brands are actually
21 pushing in terms of their advertising knowledge with
22 typical QSRs.

23 Q. So with that said, how many seats are
24 being proposed for the restaurant itself?

25 A. That is a good question. I don't -- I
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1 hours that we consider our lunchtime period.

2 Obviously breakfast is a lot slower.
3 We do offer breakfast.

4 And dinner is, depending on the
5 location, can match lunch. In most cases, it might
6 be a little bit more spread out. So the hours, the
7 peak hours in terms of cars will be a little bit
8 less.

9 Q. What is your percentage of customers
10 that use the drive-through versus those that come
11 into the sit-down restaurant aspect of the facility?

12 A. So drive-through right now is about
13 75 percent. So it is a little, you know, askew.

14 Drive-throughs pre-pandemic were about
15 60, 65 percent; now we're somewhere between 70 and
16 75 percent.

17 Q. Are there some other concerns by the
18 patrons of a restaurant these days as it pertains to
19 how they want to get their food at a restaurant like
20 this, coming in versus a drive-through?

21 What is the -- from your experience in
22 operating and doing these quick-service restaurants,
23 what do you know the customers' needs to be at this
24 time?

25 A. So customers are more hesitant to come
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1 can't remember that off the top of my head.

2 Q. We can look at the plan with our
3 architect.

4 A. Yeah, the architect will have that.

5 Q. You stated that you're looking at the
6 drive-through aspect to be approximately 75 percent
7 of the total customers?

8 A. Somewhere between 70 and 75 percent. I
9 mean, that's going to vary depending on your trade
10 area.

11 In more urban settings, you're going to
12 see that be a little bit less.

13 In a residential area, probably around
14 that mark.

15 Q. The typical person coming in for the
16 Grub Hub or one of these other pickup/delivery
17 services, are they using the drive-through generally
18 or do they come in?

19 A. What I've seen is they generally come
20 inside. They -- they -- they will occasionally use
21 the drive-through, but for them, I think they feel
22 more comfortable coming inside. You know, we have a
23 specific display stand where they can pick their food
24 up for their particular order, so it seems to be
25 operationally better for them to do that, and they've

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1 **kind of figured that out on their own.**

2 **Q.** And is it correct also that when you
3 find that the Grub Hubs and the other delivery
4 services are using a facility such as this, that you
5 even set aside some designated parking for them?

6 **A. We have.**

7 **Q.** Recognizing the Grub Hub person is
8 making their money on the number of deliveries they
9 do an hour, so is it correct they're really looking
10 at the most expedited way to get their package and
11 get on the road?

12 **A. That is correct. They typically don't
13 take up parking spots for very long.**

14 **Q.** So you stated earlier that you can't
15 get a franchise basically approved unless there's a
16 drive-through facility.

17 **Q.** Would it be correct to say then that in
18 today's world, these quick-service restaurants
19 require a drive-through in order to be able to have a
20 business plan that will properly accommodate the
21 public and their needs and be able to be truly
22 operational?

23 **A. Yes.**

24 **Q.** Now, you've looked at this site, you've
25 looked at the number of customers that a site like

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1 basically pre-made, it's not some order being made at
2 a reader board and the person has to go cook it or --

3 **A. That's correct.**

4 **Q.** And the person really doesn't have to
5 prepare it, other than put it into a bag, correct?

6 **A. That's correct.**

7 **Q.** And so your typical time is
8 two-and-a-half hour -- two-and-a-half minutes to
9 serve a customer from coming into the queue and out
10 through the window?

11 **A. That is our standard, yes.**

12 **Q.** Now, you looked at this site and you've
13 seen how the queue will operate.

14 **A. I have.**

15 **Q.** I'd like you to explain to the board
16 what you anticipate as to where they're coming in
17 from and how they go around the site, and you might
18 want to describe it to the board.

19 **A. Sure. So --**

20 **Q.** Using this --

21 **A. Yeah, I'll use the...**

22 **Q.** The exhibit is the site plan that's
23 marked in the package as A-3.

24 **A. So our --**

25 **Q.** A-3, yes.

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1 this would have on an hourly basis, you just
2 testified to that.

3 **Q.** I'd like you to walk the board and
4 members of the public through what the time sequence
5 is, your busiest time, I think you just said, was the
6 lunchtime hour, between 11:00 to 2:00 timeframe.

7 **A. Correct.**

8 **Q.** So what number of cars come in one
9 given hour and how long does it take for people to
10 get served at a drive-through from the time they pull
11 in, read a board, place their order, pick up their
12 package and go on their way?

13 **A. So our service standard is
14 two-and-a-half minutes. Typically we'll see anywhere
15 between 30 cars within an hour.**

16 **Q.** Some of the orders are much smaller, we
17 can get them out in a minute-and-a-half, two minutes.

18 **A.** So we -- we can accommodate a pretty
19 significant amount of volume through a drive-through.

20 **Q.** And in this site specifically, I think
21 we queue about 11 cars, so it's more than adequate to
22 get through an hour pretty efficiently and get the
23 customers out.

24 **Q.** Now, is the reason the queuing is so
25 quick is that the products that you are serving are

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1 **A. So our main entrance will be right off
2 of Godwin Avenue.**

3 **Q.** So cars will make the turn into this
4 main entrance, make the right-hand turn down this
5 driveway (indicating), and then proceed into our
6 queuing area.

7 **A.** And so from the first position in the
8 queuing area to the pickup window, which is at the
9 other end of the building, there are -- it stacks 11
10 cars, which is a pretty significant amount of
11 stacking.

12 **Q.** Having said that, we will probably,
13 more than likely, with a small percentage of cars
14 coming in on Rea Avenue, have an alternate queue in
15 this area here (indicating).

16 **A.** But, clearly, you can see by the size
17 of this drive here, it's not marked out by cars, but
18 it's a pretty significant distance between the main
19 entrance and our pickup window.

20 **Q.** So this kind of drive scenario will
21 accommodate anything additional if there were
22 emerging situations.

23 **Q.** So, in essence, you're anticipating the
24 majority of your traffic coming over the main artery,
25 which is Godwin Avenue?

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1 **A. Godwin Avenue, correct.**
 2 **Q.** They can come in and make a right and
 3 if, for some reason, the queue was stacked with the
 4 11 cars that you just testified to, there's an
 5 ability to stack additional cars from Godwin Avenue
 6 up here at the top where you make the right turn?
 7 **A. Yes, correct. It's my opinion that if**
 8 **there is any spillage, obviously, it would remain on**
 9 **the property itself, not onto Godwin Avenue.**
 10 **Q.** And it's anticipated that you're going
 11 to have parking for the facility for your employees
 12 and whatever.
 13 Where would that be located on the
 14 site?
 15 **A. Well, employees, typically we want them**
 16 **to park as far away from the site as possible. You**
 17 **know, we want the closest spots to be for customers**
 18 **of the actual building.**
 19 **So most employees nowadays take mass**
 20 **transit or get dropped off, but you would probably**
 21 **see a handful of cars in this back area.**
 22 **Q.** And as far as the customer coming
 23 through the drive-through, after they've gone from
 24 the window, what do you anticipate their route of
 25 travel to be?
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1 exit eliminated, that could be accomplished and we
 2 could stipulate to that.
 3 Is that correct?
 4 **A. It could.**
 5 **Q.** So there's no necessity for that for
 6 customers?
 7 **A. Correct.**
 8 **Q.** Does the facility show where the
 9 employee parking would be, from your estimation would
 10 the amount of traffic coming into the restaurant
 11 itself, whether it be Grub Hub and the like, or
 12 someone could come in and sit down at a table, is
 13 there sufficient parking on the site for that aspect?
 14 **A. Yes.**
 15 **Q.** In fact, this plan does show that
 16 there's more than sufficient parking for not only
 17 this use, but for the overall site. Isn't that
 18 correct?
 19 **A. It is correct.**
 20 MR. WHITAKER: I have no further
 21 questions at this time.
 22 CHAIRMAN ANDERSEN: I have a couple
 23 questions.
 24 You said you -- you -- your employer is
 25 PN Restaurants?
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1 **A. Well, there's an egress making a**
 2 **right-hand turn out of the drive-through exiting the**
 3 **window, or there is, of course, another opportunity**
 4 **for them to exit to the left and back out through**
 5 **Godwin.**
 6 **Q.** Now, the bank building that's there has
 7 an exit right onto Godwin Avenue after you go through
 8 their drive-through, you recognize -- you realize
 9 that?
 10 **A. Correct, I do.**
 11 **Q.** On the basis of anybody coming here to
 12 get their food, they would not be using that exit;
 13 correct, because this -- they don't get served until
 14 they're on the other side of the building?
 15 **A. That is correct.**
 16 **Q.** So from the standpoint of a customer
 17 going out onto Godwin Avenue, that's not going to
 18 occur if they're in there placing an order?
 19 **A. That's correct.**
 20 **Q.** In one of our letters that we received,
 21 I believe from Mr. Wostbrock, I think it was also
 22 confirmed from our -- the planner's report that that
 23 exit that exists there right now is nonconforming in
 24 its proximity to the other roadway.
 25 If the board were to want to see that
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1 THE WITNESS: So I am employed by
 2 PN Restaurants.
 3 MHF is a subsidiary of PN Restaurants.
 4 CHAIRMAN ANDERSEN: Okay. Wholly-owned
 5 or...
 6 THE WITNESS: Yes.
 7 CHAIRMAN ANDERSEN: Okay. And you're
 8 authorized to speak on behalf of MHF?
 9 THE WITNESS: I am, yes.
 10 CHAIRMAN ANDERSEN: All right.
 11 Your testimony regarding the excess
 12 queue, I question whether that's realistic, because
 13 if you're -- if you're coming out of CVS, I actually
 14 use CVS, and that's how I go out.
 15 So if -- if there were cars backed up
 16 there, how would I get out onto Rea Avenue?
 17 In other words, if you're coming from
 18 CVS --
 19 THE WITNESS: So if you're coming from
 20 this direction here?
 21 CHAIRMAN ANDERSEN: Yes.
 22 THE WITNESS: Okay.
 23 CHAIRMAN ANDERSEN: And to go home, I
 24 would go out Rea Avenue.
 25 THE WITNESS: Uh-huh.
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1 CHAIRMAN ANDERSEN: What I'm
2 questioning is what's -- I believe your testimony was
3 if you had more than 11 cars they could queue up in
4 that lane, which is the exit lane to get to Rea
5 Avenue.

6 Did I understand that correctly, first
7 of all?

8 THE WITNESS: Yes. If there was any
9 type of spillover, it would happen in this area.

10 MR. WHITAKER: So the testimony is we
11 never anticipate more than 11.

12 THE WITNESS: Correct.

13 MR. WHITAKER: It goes beyond the 150
14 that you require. And if it ever were to queue, it
15 wouldn't be in a roadway, it would be in the parking
16 lot.

17 You coming down there, if you couldn't
18 go around them, you would go up the next aisle.

19 CHAIRMAN ANDERSEN: I would go where?

20 MR. WHITAKER: The next aisle, I guess.

21 THE WITNESS: This way and out.

22 CHAIRMAN ANDERSEN: Okay, I probably
23 wouldn't, but okay. All right.

24 Anybody else have any --

25 MALE BOARD MEMBER: Yeah.

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1 THE WITNESS: The reason why I point
2 that out is just to emphasize the fact that, you
3 know, there wouldn't be any spillage onto Godwin
4 Avenue, which would be in most cases when I've done
5 this type of testimony before, it always comes up as
6 a concern, right.

7 How close are you to the ingress, and
8 is there any chance of traffic backing up onto Godwin
9 Avenue, right?

10 So that's the reason why I utilized
11 this scenario here to point out the fact that there
12 could be a merging scenario between the two ingresses
13 on both sides, but it's very, you know, unlikely that
14 we would have cars all the way down this way.

15 MALE BOARD MEMBER: Okay. Thank you.

16 MR. WHITAKER: So the 150-foot distance
17 is what's in your ordinance. It was in your
18 ordinance at the time that restaurant drive-throughs
19 were permitted.

20 MALE BOARD MEMBER: Okay.

21 Chair?

22 CHAIRMAN ANDERSEN: I don't care, one
23 of you.

24 MALE AUDIENCE MEMBER: I got you.

25 MALE BOARD MEMBER: What are the hours

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1 MALE BOARD MEMBER: Yeah.

2 MALE AUDIENCE MEMBER: Go ahead, Rich.

3 MALE AUDIENCE MEMBER: No, go, go.

4 MALE BOARD MEMBER: Would you -- I just
5 -- so what happens to the people parking -- so you'd
6 have people parking here and here.

7 THE WITNESS: Um-hmm.

8 MALE BOARD MEMBER: Their cars are
9 coming here and ending up in here and then, I mean,
10 is this going to create a hazard, people backing out?
11 Parking in general, you know what I mean, if there is
12 that many cars coming. That's all I'm saying.

13 THE WITNESS: So, you know, this is --
14 like we -- you know, like we stated before, the 11
15 cars is more than enough within our hourly cycle of
16 traffic to accommodate all the cars we need to.

17 There is a situation or an opportunity
18 that may arise, somebody entering from Rea Ave.,
19 somebody coming in from this area, and then they're
20 alternating, right?

21 But it wouldn't be a significant amount
22 of time when that happens. That would be if we ever
23 exceeded the 11 cars. The 11 cars is more than ample
24 for this type of business.

25 MALE BOARD MEMBER: Okay.

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1 of operation again?

2 THE WITNESS: So, Monday through
3 Thursday, or Sunday through Thursday --

4 MALE BOARD MEMBER: Okay, you said
5 Monday, I --

6 THE WITNESS: Right, Sunday through --

7 MALE AUDIENCE MEMBER: -- I was going to
8 ask ou if you were open on Sundays, okay.

9 THE WITNESS: We are open on Sundays,
10 but it's -- it's one hour less than on Friday and
11 Saturday.

12 MALE BOARD MEMBER: All right, thank
13 you.

14 MALE BOARD MEMBER: Just a couple
15 questions. I want to go -- go back to the proposed
16 extra staging area, a couple of, you know -- Rich and
17 Les mentioned about that as well.

18 Those are parking spaces over there
19 where you're proposing if there's going to be any
20 stacking, that's right by the big flagpole, and if
21 you're going to have cars stacking there potentially,
22 you also got people parking there.

23 I park there and go to Dunkin' Donuts,
24 you know, so potentially you could have people lining
25 up waiting to go in.

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1 THE WITNESS: You're talking about this
 2 area here.
 3 MALE BOARD MEMBER: Yes.
 4 So if you have cars waiting to get into
 5 the Taco Bell and you have people looking to get out
 6 of that parking space, that's a potential --
 7 THE WITNESS: Yeah.
 8 MALE AUDIENCE MEMBER: -- concern.
 9 THE WITNESS: I don't anticipate this
 10 as a problem. Right?
 11 I don't anticipate overflow coming all
 12 the way to this area, right?
 13 I just opened up about a month ago or
 14 two -- actually three weeks ago I opened up another
 15 location, we haven't been -- we have the same
 16 stacking area. We haven't been spilling over into
 17 the driveway, and it's the same kind of setup, same
 18 scenario.
 19 And we haven't had any spillage outside
 20 of the 11-car stacking. We have the same exact
 21 stacking there. And it's doing very well. The
 22 restaurant's doing very well.
 23 So I don't anticipate it. And I think
 24 with the progression of third-party online ordering
 25 going from where it is today, 20 to 25 percent, going

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1 MALE BOARD MEMBER: Okay. So what time
 2 of day would you consider --
 3 THE WITNESS: Usually they're there
 4 between, like, 5:00 and 7:30 a.m. They can't be
 5 there while we're opening, which is 8:00 in the
 6 morning.
 7 MALE BOARD MEMBER: My concern is
 8 neighbors, noise to the neighbors. You have delivery
 9 up to an hour and near residential houses, you know,
 10 behind there and across from there, so it's very
 11 early to have noises that may come out of deliveries
 12 and trucks.
 13 THE WITNESS: So, just to kind of put
 14 that in perspective, the trucks can't idle while
 15 they're doing their delivery, okay?
 16 And the window is significantly smaller
 17 in a Taco Bell delivery, let's say, than a Dunkin'
 18 Donuts delivery.
 19 The Dunkin' Donuts delivery gets
 20 delivered every single night, and it's anywhere
 21 between 11:00 p.m. and 5:00 a.m. in the morning. And
 22 that's on a daily basis. So their -- their deliver
 23 is seven days a week, where ours would only be two
 24 days a week in a significantly shorter window.
 25 MALE BOARD MEMBER: What -- what size

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1 closer to 50 percent, which is the brand's goal, I
 2 could see this being less and less of an issue
 3 because I think the -- the idea with that is that
 4 they want people parking, coming inside, taking their
 5 orders; right? Limiting the amount of POS
 6 activities, doing it on a device; right?
 7 So I think even though drive-through is
 8 essential to this business, the way we're seeing
 9 mobile ordering pickup in volume, I see less of an
 10 issue happening in our drive-throughs.
 11 MR. WHITAKER: We have more than
 12 sufficient parking on the site pursuant to your
 13 ordinance.
 14 So if the board were concerned about
 15 some of the parking spaces, they could actually be
 16 eliminated, or they could be designated as employee
 17 parking.
 18 Just a thought.
 19 CHAIRMAN ANDERSEN: Okay. Anything
 20 else?
 21 MALE BOARD MEMBER: The other question
 22 I have, you mentioned deliveries twice a week, off
 23 hours, and about 45 minutes.
 24 What do you consider off hours?
 25 THE WITNESS: 45 minutes to an hour.

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1 trucks do you typically use for delivery?
 2 THE WITNESS: Um --
 3 MR. WHITAKER: We can have our engineer
 4 testify to that.
 5 THE WITNESS: I think the engineer will
 6 testify to that, or architect.
 7 But -- but it'll be accommodated on the
 8 property.
 9 MALE BOARD MEMBER: And one last
 10 question regarding deliveries, what -- what days of
 11 the week typically are deliveries made?
 12 THE WITNESS: I can only -- I don't
 13 know about this location specifically. The other
 14 location that we just did are getting deliveries on
 15 Mondays and, I believe, Thursdays.
 16 MALE BOARD MEMBER: Okay.
 17 MR. WHITAKER: We could certainly
 18 stipulate it wouldn't be on a Sunday, if that was a
 19 concern.
 20 And other deliveries can occur at this
 21 facility, the other stores on the same type of hours.
 22 THE WITNESS: Correct.
 23 MR. WHITAKER: There's no prohibition,
 24 that I know of in your ordinance, as to the delivery
 25 time.

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1 So obviously, what we're seeking
 2 approval for, on a drive-through window, has no
 3 correlation to when a delivery occurs.
 4 THE WITNESS: We don't have, in any of
 5 our businesses, deliveries on any Sundays. So that
 6 would not be an issue here.
 7 MALE BOARD MEMBER: You mentioned
 8 mobile pickup.
 9 Do you have an app where people can
 10 order online and then they come -- come and you have
 11 it in a rack or something and they come into the
 12 restaurant and pick it up?
 13 THE WITNESS: Yes.
 14 MALE BOARD MEMBER: And where -- where
 15 do you anticipate those people would park.
 16 THE WITNESS: So more than likely, it
 17 would be in these spots.
 18 But we typically don't get more than
 19 two to three pickups at the same time. It's not a
 20 significant amount of volume. And usually they're on
 21 our property shorter amount of time than our
 22 drive-through queueing.
 23 MALE BOARD MEMBER: All right.
 24 So conceivably, they would be coming in
 25 the Godwin Avenue entrance and then parking in that

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1 MR. WHITAKER: Perhaps what might be
 2 best to do is to take the hour he said that there's
 3 35 customers, correct?
 4 THE WITNESS: Cars.
 5 MR. WHITAKER: Cars, okay.
 6 The 35 cars are all through the
 7 drive-through, correct?
 8 THE WITNESS: Correct.
 9 MR. WHITAKER: All right. Then during
 10 that same timeframe, how many customers come with
 11 their mobile app, park a car and go in --
 12 MALE AUDIENCE MEMBER: Right.
 13 MR. WHITAKER: -- and pick up that way,
 14 and how many Grub Hubs do you have in that same hour?
 15 MALE BOARD MEMBER: That's what I'm
 16 asking.
 17 MR. WHITAKER: Okay. As I said, just
 18 break it apart.
 19 THE WITNESS: I'd probably say,
 20 probably, a third, less than a third are --
 21 MALE AUDIENCE MEMBER: Of the 35?
 22 THE WITNESS: No.
 23 MALE AUDIENCE MEMBER: I'm sorry,
 24 finish.
 25 THE WITNESS: The total customer count,

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1 -- those spaces by Dunkin'?
 2 THE WITNESS: So you're talking about
 3 mobile orders or third-party orders?
 4 MALE BOARD MEMBER: I'm talking -- I'm
 5 not talking about Grub Hub or Door Dash order, I'm
 6 talking about people on their phone, on an app, they
 7 order it, they come and park and they go in the
 8 restaurant and pick it up.
 9 THE WITNESS: So that's a significantly
 10 less percentage wise in total customers than the
 11 delivery apps altogether.
 12 It's -- it's a very small portion of
 13 people that actually use the app to order in
 14 comparison to mobile ordering through Grub Hub, Door
 15 Dash, or one of the other third-party companies.
 16 MALE BOARD MEMBER: Can we get an idea
 17 how -- what the percentage is, just -- I mean --
 18 THE WITNESS: If I had to guess --
 19 MALE BOARD MEMBER: Yeah.
 20 THE WITNESS: -- I would say under
 21 5 percent of customers use the app.
 22 MALE BOARD MEMBER: Not a percent,
 23 let's say at lunchtime, how many -- how many people
 24 do you think would do it that way?
 25 THE WITNESS: In the whole --

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1 let's say on mobile ordering, third-party delivery,
 2 is under a third of, let's say, what the
 3 drive-through is.
 4 So let's say drive-through is
 5 75 percent, the balance is 25 percent.
 6 MR. WHITAKER: So let's use real
 7 numbers is what I'm saying, Ever.
 8 THE WITNESS: So let's say we get a
 9 hundred cars in those three hours through the
 10 drive-through, you'd get a quarter of that right now
 11 using the mobile app and the third-party delivery.
 12 MALE AUDIENCE MEMBER: All right. So
 13 25 --
 14 THE WITNESS: That's the ratio,
 15 correct.
 16 MALE BOARD MEMBER: So you 25.
 17 THE WITNESS: Correct.
 18 MALE AUDIENCE MEMBER: The people who
 19 order with the mobile app, come with pre-orders, they
 20 order ahead of time, can they pick up their food in
 21 the drive-through?
 22 THE WITNESS: They can if they want to.
 23 MALE BOARD MEMBER: Okay.
 24 MALE BOARD MEMBER: What kind of
 25 delivery truck, is it like a Sysco, would it be a

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1 tandem truck, small tractor-trailer? I mean, you
 2 couldn't... I don't know if...
 3 MR. WHITAKER: Our engineer is going to
 4 testify --
 5 MALE AUDIENCE MEMBER: Okay.
 6 MR. WHITAKER: -- as to the truck and
 7 the truck radius.
 8 MALE BOARD MEMBER: Okay. 'Cause the
 9 -- I could ask the engineer my questions then --
 10 MR. WHITAKER: Yes.
 11 MALE AUDIENCE MEMBER: -- when he comes
 12 up.
 13 MR. WHITAKER: Yes, he's the next
 14 witness.
 15 CHAIRMAN ANDERSEN: Okay, is he the
 16 next --
 17 MALE BOARD MEMBER: You were -- you
 18 were talking about deliveries though; correct,
 19 before? The witness.
 20 THE WITNESS: I'm sorry?
 21 MALE BOARD MEMBER: I mean you were
 22 talking about deliveries and the hours and all that,
 23 so it is a link, but -- so you can talk about
 24 deliveries, but then they have to talk about what
 25 size trucks would be delivering.

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1 THE WITNESS: Yes.
 2 MALE AUDIENCE MEMBER: So you get, in
 3 those three hours, you're talking about 125 customers
 4 altogether?
 5 CHAIRMAN ANDERSEN: No, the 25 are part
 6 of the hundred.
 7 THE WITNESS: I'm talking about a total
 8 hundred transactions, let's say --
 9 MALE AUDIENCE MEMBER: Yeah.
 10 THE WITNESS: -- 75 percent of them
 11 being through the drive-through and 25 percent being
 12 through the other means.
 13 MALE AUDIENCE MEMBER: Oh, okay.
 14 THE WITNESS: That's what I would
 15 anticipate.
 16 MALE AUDIENCE MEMBER: So a hundred
 17 transactions in the three hours.
 18 THE WITNESS: That's what I would
 19 anticipate.
 20 MALE AUDIENCE MEMBER: I gotcha, I
 21 gotcha. Okay.
 22 MALE AUDIENCE MEMBER: With that count
 23 you just gave, what about the people who walk inside
 24 then to order and decide to stay there or walk
 25 inside? Is that in addition to what you just said

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1 THE WITNESS: Correct.
 2 MALE BOARD MEMBER: Correct.
 3 So it is a legitimate question.
 4 MR. WHITAKER: I just had the answer.
 5 'Cause our engineer designed where the truck would
 6 park and what the size truck would be.
 7 MALE BOARD MEMBER: Got it.
 8 CHAIRMAN ANDERSEN: Anybody else?
 9 MALE AUDIENCE MEMBER: I have a quick
 10 question, when you -- just so I understand the
 11 numbers and the volume, you said in that three-hour
 12 period, you might get a hundred cars through the
 13 drive-through, and you'd get 25, maybe 25 people or
 14 orders in that same three-hour window that are
 15 pre-ordered by the app or Grub Hub, right?
 16 THE WITNESS: Correct.
 17 CHAIRMAN ANDERSEN: Are there any other
 18 customers beyond that, so they don't -- so the people
 19 who don't pre-order, maybe someone just leaves their
 20 office and they want to go and sit down and eat,
 21 that's a whole different category of sales; right?
 22 THE WITNESS: So -- so that would be
 23 included in that 25 percent.
 24 MALE AUDIENCE MEMBER: That's my
 25 question, okay.

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1 for the drive-through and the Grub Hub type?
 2 THE WITNESS: That's included in that
 3 25 percent; walk-in customers as well.
 4 So total of 25 percent that would be
 5 walking inside, either using a kiosk to order,
 6 ordering directly through a crew member, or using a
 7 third-party app.
 8 CHAIRMAN ANDERSEN: So then earlier you
 9 stated maximum of 30 to 35 cars per hour, beginning
 10 at 10:00 a.m.
 11 So if that's the case, you know, that's
 12 already a hundred, and now you're saying that also
 13 includes people going inside. So which is it?
 14 If there's people inside, they're not
 15 going to be in the drive-through.
 16 THE WITNESS: So -- so if you -- so I
 17 can't determine if someone orders on an app where
 18 they're actually picking up the order.
 19 They may decide to go through the
 20 drive-through. So there's a little bit of an overlap
 21 there.
 22 What I would anticipate is, 25 percent
 23 of our total customers using those third-party means
 24 of ordering, whether it's a phone, whether it's
 25 walk-up, whether it's a third-party delivery system.

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1 And 75 percent of that traffic going through the
2 drive-through.
3 CHAIRMAN ANDERSEN: Well, somebody like
4 me who doesn't use an app to order, I'll walk into
5 the restaurant and order from a person. What's your
6 -- what's your anticipated volume with that?

7 THE WITNESS: It's -- it's included in
8 that 25 percent.

9 So I don't know -- when they're
10 ordering or when they're walking in the building, I
11 don't know if they've already placed their order,
12 right?

13 MALE AUDIENCE MEMBER: Right.

14 THE WITNESS: Or if they're going to
15 place their order in a kiosk or if they're just
16 walking in and taking a bag off the shelf.

17 MALE AUDIENCE MEMBER: I think -- I
18 think the disconnect or at least the confusion for me
19 even, and maybe for you, too, is if we're -- if we're
20 looking at a three-hour window for lunch and we're
21 thinking we're going to get 30 to 35 cars through the
22 drive-through, let's say we're getting 33, we'll cut
23 it down the middle, you got 100 cars coming through
24 the drive-through alone in those three hours, and
25 then you got people on top of that that are coming

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1 to 10 customer cars parked there. Right? And you'll
2 see an 11 car stack, right?

3 In this scenario, what I would
4 anticipate, right, from my experience, a lot of times
5 if a car pulls in, they see a car here, they're going
6 to park and walk inside.

7 And that is why the brands now are
8 trying to advertise and push that digital mobile
9 ordering platform to 50 percent. That's their goal.
10 They've told us that's their goal.

11 Right now, all those other customers
12 that are going through the drive-through is about
13 25 percent of our total.

14 CHAIRMAN ANDERSEN: When you say
15 "digital" ordering, you're talking about Grub Hub,
16 you're talking about --

17 THE WITNESS: I'm talking about all of
18 those platforms.

19 CHAIRMAN ANDERSEN: Oh, okay.

20 THE WITNESS: All of them, yeah.

21 CHAIRMAN ANDERSEN: Okay.

22 MALE BOARD MEMBER: I may be asking the
23 same question again, if I am, I apologize.

24 But with -- with the three hours for
25 lunch, not a percentage, a number, approximately how

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1 inside, so the number's got to more than 100.

2 THE WITNESS: So it's a maximum. When
3 I say 30 to -- that's a maximum number --

4 MALE AUDIENCE MEMBER: Right.

5 THE WITNESS: -- right? I mean,
6 there's hours we do with 20 cars, 25 cars in the
7 drive-through.

8 I'm certainly not doing 35 cars at
9 10:00 in the morning.

10 MALE AUDIENCE MEMBER: Right.

11 THE WITNESS: Right? It's just not
12 happening.

13 So, you know, to -- to kind of level
14 off the playing fields, for lunch I try to paint the
15 picture of what lunch is going to look like, right?

16 And, typically, if we're doing, let's
17 say 30 cars an hour, right, which is a decent number,
18 at 11:00, 12:00, whatever it may be, each car is
19 going to take us around two, two-and-a-half minutes
20 to get through; right?

21 So, you know, we -- we can say within a
22 2,000-square-foot building how much we really can
23 accommodate, right? Typically, I will tell you,
24 you're going to see for lunch about four employee
25 cars parked there, right? You may see another eight

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1 many total transactions, cars, people walking in,
2 everybody, how many transactions do you think would
3 occur in that three hours?

4 THE WITNESS: In the total three hours?

5 MALE BOARD MEMBER: Yes.

6 THE WITNESS: Probably about 125 total.

7 MALE BOARD MEMBER: So we've got 125.

8 THE WITNESS: Yes.

9 MALE BOARD MEMBER: Okay. And of that

10 --

11 THE WITNESS: That's ballpark, right?

12 I mean that's...

13 MALE BOARD MEMBER: I know. Yeah, if
14 it's 126 then we shut you down.

15 THE WITNESS: Or it could be 80, right.

16 MALE Board MEMBER: No, I'm just
17 kidding.

18 So if I can infer from that what you
19 said before, 125, approximately 100 of which will be
20 drive-through or what you call third-party mobile?

21 THE WITNESS: Correct.

22 MALE BOARD MEMBER: Okay.

23 THE WITNESS: Digital ordering, let's
24 call it.

25 MALE BOARD MEMBER: Okay, digital
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1 order. All right.
2 So then the other 25, and I appreciate
3 you have a lot of experience in this area, but you're
4 taking into account that the shopping center across
5 the street is a potential source of walk-in business
6 for you, people who work in Kings or whatever, and
7 walk over. You -- that's all within that 125, you've
8 taken all that into consideration.

9 THE WITNESS: Correct, yes.

10 MALE AUDIENCE MEMBER: Okay. All
11 right. Thank you.

12 MALE BOARD MEMBER: Just a question
13 about lunch, what if you took that 10:00 away and
14 moved it to 11:00? How many -- did you give us a
15 figure of how many people have Taco Bell for lunch at
16 10:00? It just seems like kind of odd that you would
17 go there for lunch at 10. I could see maybe at 11 if
18 you were hungry, but, like, you have the breakfast,
19 but, like, I think you're dividing the hundred cars
20 into three hours, but maybe those hundred cars are
21 only in the two hours.

22 THE WITNESS: Yes, and I would also
23 make the point that a lot of people eat lunch at
24 2:00, right?

25 So, you know, the only way I can look

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1 achieve for customers by using that type of setup is
2 -- is unbelievable. I mean, you -- you see, you
3 know, let's say, for example, that 12:00 hour, you
4 see 10 orders coming in through mobile pickup and
5 people just walking up, grabbing their stuff and
6 they're gone. Right? They really have little
7 interaction with anybody in the restaurant.

8 And -- and I think COVID really kind of
9 set the stage for that. It really did. It was out
10 of necessity that we were forced to, kind of, utilize
11 it -- this technology, to really get a good amount of
12 throughput and get people, kind of, away from our
13 building; right? That's what people wanted.

14 So that's what I've seen through the
15 use of the technology in Taco Bell.

16 MR. WHITAKER: And so that we all
17 understand, when you're talking about them coming in
18 by virtue of the mobile app, they're just coming in,
19 am I correct, to pick up a bag because they ordered
20 and they paid for it already.

21 THE WITNESS: That is correct.

22 MR. WHITAKER: So there's no action.

23 MALE BOARD MEMBER: Question?

24 THE WITNESS: Yes.

25 MALE BOARD MEMBER: The one thing you

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1 at it is maximum number of cars. So when I say that,
2 you know, a maximum of 35 cars, I don't anticipate
3 that the 10:00 traffic is really going to make the
4 12:00 hour be 50 cars, right?

5 MALE BOARD MEMBER: No?

6 THE WITNESS: No. It typically doesn't
7 happen, because what -- what people -- and
8 specifically during lunchtime, right, they have a
9 specific amount of time.

10 So if -- I think the -- the -- in the
11 industry, right, for most townships, the worst case
12 scenario that you can see is a Chick-Fil-A, let's
13 say, for example. And they do a fantastic job of
14 managing cars, right? They have it down to a
15 science.

16 But what people do identify very
17 quickly and what I've seen specifically in Taco Bell
18 is, that mobile ordering system process, third-party
19 delivery, becomes a huge part. Becomes just a very
20 incremental part of the business because what it does
21 is facilitates the timeframe in which people come in
22 and out of our business, right?

23 If you -- if you see our mobile order
24 pickup stand, and you see 10 to 15 bags there during
25 lunchtime, the speed of service that we're able to

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1 said, since you know Midland Park and you come around
2 12:00, you ever see Wendy's at 12:00?

3 Wendy's goes all the way out to Godwin.
4 I mean, you can't even get in there. You can't get
5 near it. Burger king is less, but...

6 So you keep saying, like Dave said,
7 we're talking 10:00 to 1:00. Really 12:00, quarter
8 to 12 is when it gets crazy. They'll all be in that
9 parking lot with people trying to get in and out and
10 stuff and that's where it's going to get nuts.

11 THE WITNESS: So I think, to answer
12 your question, and I haven't been to Wendy's in a
13 long time, but -- but --

14 MALE BOARD MEMBER: You don't want to
15 go near it at 12:00.

16 THE WITNESS: -- but my -- my -- my
17 recollection of that particular Wendy's, right,
18 because I believe that was the old Roy Rogers,
19 correct?

20 MALE BOARD MEMBER: Yes.

21 MALE BOARD MEMBER: Right.

22 THE WITNESS: So -- so I am familiar
23 with the property, although 20 some years ago plus,
24 right?

25 But -- but what I do recall is that

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1 there's one ingress and one egress, correct? So --
 2 right?
 3 MALE BOARD MEMBER: Yeah.
 4 THE WITNESS: So what typically happens
 5 is there's, you know, from the time that you enter
 6 that ingress, right, and you go around the back of
 7 that building, there's really nowhere else to go,
 8 right? There's -- there's no really other movements
 9 on that property other than in and out of parking
 10 spots, as -- as I recall it.

11 So I've seen, at least in my area where
 12 I live, the trade areas around where I live, I've
 13 seen some very challenging properties, right? I've
 14 seen other concepts that they've had to get police to
 15 navigate traffic, right?

16 And -- and I will tell you that, just
 17 by going on the property, I will say this was
 18 challenging, right? This was not engineered
 19 properly. Everything wasn't considered, right? As I
 20 would look at it.

21 When I get a set of plans or I'm
 22 working with an engineer on our properties, I go
 23 through that because I have the operational
 24 experience. I know when something is not set up
 25 properly, right? I don't have to be an engineer to

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1 We try not to do that if possible, it's
 2 a bigger expense for us to -- to reengineer or design
 3 a new building and do a ground-up, but I feel we have
 4 a lot more flexibility when we do that to manage the
 5 property better.

6 CHAIRMAN ANDERSEN: Anybody else?

7 MALE BOARD MEMBER: One quick question.
 8 I mean, I get it, the fact that you can -- you're
 9 more efficient with the mobile orders, people can
 10 order ahead of time and just kind of run in and grab
 11 the bag, it's a -- it's great quality to have from an
 12 operations perspective.

13 But I just want to make sure I'm
 14 understanding it. There's -- I mean, it -- it
 15 doesn't cut down on the number of trips or the
 16 traffic or the cars or anything, it just -- really
 17 you're just cutting down on the point of service and
 18 the contact between employees and customers.

19 MALE BOARD MEMBER: It reduces time.
 20 MALE AUDIENCE MEMBER: Reduced time.

21 THE WITNESS: So it does a couple of
 22 things. The orders on the mobile app, digital, are
 23 typically larger, right?

24 MALE BOARD MEMBER: So they're picking
 25 up more than one order when they --

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1 do it, I've seen it from the operational standpoint,
 2 right?

3 So I work very closely with our
 4 professionals to make sure that, you know, that the
 5 minute you enter a parking lot, you're not in the
 6 queue, right? I think that is one of the most
 7 challenging properties or setup that I've seen in
 8 typical QSRs. Right? You pull into the property and
 9 you're automatically in the drive-through queue.

10 So in this case with this property, you
 11 don't have that scenario, which is why, when
 12 originally I saw the property and I started to
 13 dissect it a little bit, I knew it would work for us.
 14 I knew that it would be comparable, that we wouldn't
 15 have some of the challenges that other people are
 16 facing.

17 So I think that's the problem, right,
 18 that Wendy's faces. The minute you pull into their
 19 property, you're already in the queue. Unless you're
 20 going around it and you're going to park, right?

21 It's just the design of the property,
 22 because they used an existing building, right.

23 My recollection of that property is
 24 that they did not tear down the original Roy Rogers,
 25 they used the existing Roy Rogers.

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1 THE WITNESS: Correct. That's usually
 2 the -- so when we see at 11:00.

3 MALE BOARD MEMBER: Right.

4 THE WITNESS: -- right, when we see at
 5 11:00, for example, a 40 or \$50.00 order, it's
 6 usually for an office.

7 You have seven or eight people
 8 ordering, somebody comes in, they pick it up and they
 9 go.

10 You don't get the same size order on
 11 the drive-through. The drive-through orders are
 12 significantly less than mobile order pickup.

13 And the same thing goes with the kiosk,
 14 right? They send one person from the office in, the
 15 person goes on the kiosk with the list, they order
 16 everything they want; it's less frequent, right?

17 That happens less frequently because
 18 there's more to, kind of, do for that individual
 19 person, but usually those orders that we see in that
 20 way of -- of processing orders, the orders are
 21 significantly larger.

22 CHAIRMAN ANDERSEN: In the industry,
 23 from an industry perspective, and I can understand
 24 where they'd be certainly a profitability benefit
 25 from that 'cause you're going to maybe need less

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1 employees in -- at the site, but do you see volume
 2 going up because of that? I mean, over the years,
 3 are quick-service restaurants doing more volume
 4 because they're able to do it faster and more
 5 efficiently?
 6 THE WITNESS: So the efficiency is
 7 gained, so we really aren't reducing labor, right?
 8 CHAIRMAN ANDERSEN: Okay.
 9 THE WITNESS: Actually what we do is we
 10 reallocate labor.
 11 What it does is it lessens frustration
 12 for the -- for the customers, right, in terms of the
 13 ordering process.
 14 So them being able to see something
 15 digitally or on an app, right, or even on our kiosks
 16 does two things for us, right? And this is just an
 17 industry statistic, right?
 18 It increases your ticket, right?
 19 'Cause people, when they see all the options that
 20 they get, they typically order more, right? Let me
 21 add this. Let me add that. Wow, I didn't know they
 22 had that.
 23 That's typically the process that
 24 happens.
 25 But the mobile ordering side, the
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1 And then, of course, the mobile
 2 ordering was just a necessity that was built in, you
 3 know, some very creative people in the industry
 4 really started to push that model.
 5 And then that's kind of where we are
 6 today.
 7 Most of the -- most of the Taco Bells
 8 that I've been involved with so far have all either
 9 had three or four kiosks.
 10 And I've been there during a couple of
 11 openings so far, and -- and it's not uncommon, at
 12 12:00, to see, let's say, three people come in;
 13 sometimes they come out of one car, sometimes they
 14 come out of two cars. And they each go to a kiosk,
 15 they place their order, couple minutes they have
 16 their food. And they're -- they're out the door.
 17 And it really does facilitate, you
 18 know...
 19 (Whereupon, this ends the first audio
 20 at 58:52 on the digital counter overlapping
 21 some of the testimony on audio file 2.
 22 Staring new testimony at 5:00 on the digital
 23 audio counter.)
 24 THE WITNESS: ... it gives us the
 25 ability to have a healthy business, because that --
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1 digital ordering side significantly increases the
 2 amount of the ticket. And that's industrywide.
 3 It's a proven fact, which is the reason
 4 why the brands are pushing more digital ordering.
 5 CHAIRMAN ANDERSEN: Are you -- are the
 6 business of selling -- are there more transactions?
 7 THE WITNESS: No.
 8 CHAIRMAN ANDERSEN: Okay.
 9 So same amount of transactions, but
 10 you're up selling them on more items?
 11 THE WITNESS: So post-pandemic,
 12 transactions are down, right?
 13 MALE BOARD MEMBER: Yes.
 14 THE WITNESS: Ticket is up.
 15 MALE BOARD MEMBER: Right.
 16 THE WITNESS: Which is what's making
 17 the gap in the industry, right, is making up the gap.
 18 Now, the reality of it is, if you
 19 didn't have a drive-through going into the pandemic,
 20 you struggled, right? We all saw the smaller
 21 players. If they didn't have a drive-through, even
 22 casual dining, I mean, it killed the industry.
 23 The people that made it out of the
 24 pandemic pretty successfully are the ones that had
 25 the drive-throughs.
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1 the use of that technology in the future, I think,
 2 will allow us to do slightly more transactions while
 3 still giving a good experience.
 4 I think in the industry we really had
 5 challenges with the townships that we operated
 6 because the only choice for customers were
 7 drive-throughs. They couldn't come inside.
 8 And even when they did come inside, the
 9 experience was very different, whether we had
 10 plexiglas or whatever the case was.
 11 And that's, I think, why a lot of towns
 12 like Midland Park included changed ordinances, right,
 13 you changed your laws a little bit, because you
 14 wanted to, kind of, protect against that kind of
 15 situation, right?
 16 In this case what it's done for us is
 17 it's just made us a lot more efficient with the use
 18 of the technology.
 19 So I think you're going to continue to
 20 see that moving forward in all QSRs.
 21 CHAIRMAN ANDERSEN: Rich?
 22 MALE BOARD MEMBER: Just two questions.
 23 Operationally, you explained that
 24 there's a location on-site for overflow of the queue.
 25 Operationally, how many cars do you -- 11 is within
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1 the 125 the town requires, but operationally how many
 2 parking with this size?
 3 THE WITNESS: So I think 11 is -- is
 4 adequate for the site.
 5 MALE BOARD MEMBER: Is it the right
 6 number or is --
 7 THE WITNESS: I think it's the right
 8 number.
 9 MALE BOARD MEMBER: -- eight the right
 10 number or is 14 the right number?
 11 THE WITNESS: So I've seen buildings
 12 with 10.
 13 I've seen some buildings that queue --
 14 in other concepts of ours, for breakfast concept, for
 15 example, where the time frame is even more critical
 16 to the customer, I've seen drive-throughs that queue
 17 eight or nine. And they work, they work okay.
 18 I mean, in this case what I anticipate
 19 is that -- and I think we all do it, you pull into a
 20 business and you see the drive-through line is long,
 21 you get out of your car.
 22 I'm not a -- particularly me as a
 23 consumer, I'm not a drive-through customer. I like
 24 to go inside the business, right? It's just old
 25 habits, it's what I've done forever.

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1 You know, how are you going to attract
 2 people to use that main entrance to get to the queue?
 3 THE WITNESS: So I think initially when
 4 we first open, I think there is a possibility of
 5 people missing that initial entrance on Godwin, and
 6 then making a left turn onto Rea.
 7 I think once they realize that we're
 8 there, they'll figure out that Godwin is an easier
 9 entrance, or maybe even going in by the CVS.
 10 Now, the CVS drives a lot of traffic
 11 for the shopping center, obviously, right? So I
 12 think there will be a good amount of customers that
 13 come from the CVS over to eat by us.
 14 But I think that ultimately when the
 15 cars kind of figure out the traffic pattern, the
 16 customers themselves, I think Godwin will be the main
 17 entrance.
 18 I think there's a possibility that they
 19 may miss it and then go on Rea, but I think it'll be
 20 a small percentage.
 21 MALE BOARD MEMBER: I'll be on Rea.
 22 CHAIRMAN ANDERSEN: Did you have
 23 anything, David?
 24 MALE BOARD MEMBER: Just one of two
 25 questions, thank you. Just to -- I'm sorry to go

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1 But -- but typically what I see is
 2 customers pull on, if they see a long drive-through
 3 line, they're going to park their car and they're
 4 going to walk inside.
 5 And those are the customers that plan
 6 on ordering at the POS or at the kiosks.
 7 Like I said, we see that number on
 8 digital ordering moving every -- every single month.
 9 We see the number increasing slightly in terms of
 10 customers.
 11 MALE BOARD MEMBER: The other question
 12 I had is you talked about the main entry being -- the
 13 main entry of this center on Godwin, the center of
 14 the property.
 15 But when I look at this development,
 16 it's kind of on its own because of the other
 17 properties that aren't part of the center, and all
 18 the signage for the building, everything that's
 19 there, there's nothing, to me as a driver, bringing
 20 me to that front entrance that you think people are
 21 going to go through.
 22 To me, I'd go up, you know, South Rea,
 23 Rea Avenue, and go into that alternate entrance
 24 that's the main entrance, that's where all the
 25 signage is.

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1 back to the numbers, but just to -- to summarize,
 2 within a three-hour period there would be roughly 125
 3 transactions; correct?
 4 THE WITNESS: Correct.
 5 MALE BOARD MEMBER: I mean some days
 6 better, some days worse.
 7 THE WITNESS: Right.
 8 MALE BOARD MEMBER: Of that, about a
 9 hundred would be through the drive-through, the other
 10 25 would be inside the building.
 11 THE WITNESS: Correct.
 12 MALE BOARD MEMBER: Okay. The ones
 13 that are inside the building, just so I have it clear
 14 in my mind, would be people that prefer to just order
 15 inside and then leave immediately, people that might
 16 want to dine inside, as well as some Grub Hub
 17 takeout.
 18 THE WITNESS: Correct.
 19 MALE BOARD MEMBER: I'm using Grub Hub
 20 generally.
 21 THE WITNESS: Yes.
 22 MALE BOARD MEMBER: Okay. I just
 23 wanted to get that clear in my head.
 24 And the last question I had was
 25 regarding those third-party delivery apps, things

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1 like Grub Hub or Uber Eats, Door Dash, do they
 2 typically operate on a -- do they typically operate
 3 on a one takeout or one job delivery system; i.e., if
 4 there's -- say if there's three delivery orders in a
 5 neighborhood or in an area, will they pick up all
 6 three orders at one time, or are they making one trip
 7 to the house, going back to the Taco Bell, going back
 8 to the house to pick up the second order, going back?
 9 Do you know how that works? Is it --

10 THE WITNESS: It varies.

11 MALE BOARD MEMBER: Okay.

12 THE WITNESS: I would say it's more a
 13 trip-based scenario.

14 MALE BOARD MEMBER: Okay.

15 THE WITNESS: I don't think they're
 16 going to -- I mean, it's food, right? So they have
 17 to maintain the temperature of the food.

18 And they do have their own time
 19 standards. So they have to pick up and deliver
 20 within a certain timeframe.

21 So I would think it's more trip-focused
 22 than anything else. I don't think they're going to
 23 stop by us and then go to the next food establishment
 24 and, you know pick up --

25 (Simultaneous Speaking.)

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1 MALE BOARD MEMBER: Just one last
 2 question about --

3 THE WITNESS: Yes.

4 MALE BOARD MEMBER: -- curiosity. Is
 5 there a breakfast, like, menu, too, that you plan on
 6 having?

7 THE WITNESS: There is -- there is a
 8 breakfast menu.

9 MALE BOARD MEMBER: And you plan on
 10 using that there, too?

11 THE WITNESS: Yes. Yes.

12 MALE BOARD MEMBER: From an operational
 13 standpoint, you've been in the industry for, what'd
 14 you say, 30 years now, or -- I mean, do you have an
 15 issue with the fact that the drive-through queues
 16 around and is in between the face of the building and
 17 Godwin? I mean wouldn't -- wouldn't you rather the
 18 visibility of the front of the building without the
 19 drive-through breaking it up?

20 THE WITNESS: I think because we're so
 21 close to Godwin -- and, I mean, the engineer can
 22 speak more clearly to that.

23 I think because of where we have to
 24 situate the building, it's -- it's what we have to
 25 deal with, with the distance between the front of the

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1 MALE BOARD MEMBER: Pick a bunch up and
 2 drop off. Okay, thank you very much.

3 MALE BOARD MEMBER: I have one more
 4 question.

5 THE WITNESS: Yes.

6 MALE BOARD MEMBER: Based on the
 7 numbers you're giving, the application, the parking
 8 allocations figuring 22 seats, based on what you're
 9 telling me, it seems like that's a lot more seats
 10 than you're going to need.

11 I mean, how many -- from what you said,
 12 I don't -- I don't see 22 people inside eating.

13 THE WITNESS: So on the weekends I
 14 think it'll be a little bit different. Like,
 15 Saturdays tend to be more of a dine-in type
 16 experience.

17 But I agree with you.

18 Unfortunately, the brands give us their
 19 standards on how many seats we need.

20 MALE BOARD MEMBER: Oh, okay.

21 THE WITNESS: And so, yes, I've been in
 22 one of our stores during lunchtime and been the only
 23 person in the dining room sitting, with my computer
 24 open. Yes.

25 MALE BOARD MEMBER: Okay.

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1 building and the actual street.

2 But I've seen all kinds of layouts. I
 3 mean, I've seen them parallel to the road, I've seen
 4 them perpendicular to the road. It really just
 5 depends on the actual parameters of the property
 6 itself.

7 MALE BOARD MEMBER: What's optimal for
 8 you, like if you could design it clean? I would
 9 think you'd want it so you have visibility, but
 10 you're the professional.

11 THE WITNESS: So -- so optimal is kind
 12 of a relative term, right? I mean, we -- we -- we
 13 train our teams to be able to hit the standard,
 14 regardless of how the building is laid out on the
 15 property, right?

16 Typically, when you have the dimensions
 17 of the property, the engineer and the architect will
 18 work together to put the building where it needs to
 19 be, right, and then I work closely with them to -- to
 20 do that.

21 So I don't know if that answers your
 22 question, but there is no real ideal optimal way. I
 23 think the -- there are some brands that are very
 24 rigid with how they want their buildings to be, and
 25 so in many cases that will eliminate certain

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1 properties from those brands being able to operate in
2 them.

3 Taco Bell is not that rigid with their
4 designs. They have, you know, a few different levels
5 of designs that we can use, depending on the
6 parameters of the property.

7 CHAIRMAN ANDERSEN: Go ahead, David.

8 MALE BOARD MEMBER: Okay.

9 My concern is you talk about the
10 deliveries. You have two deliveries, deliveries
11 twice a week, whereas other locations have six or
12 seven days a week, you have a kiosk.

13 So my question is how fresh is the food
14 -- if you're only going to have like two deliveries a
15 week, how fast do you turn it over? And if you have
16 people coming in there using the kiosk, how fresh is
17 it?

18 THE WITNESS: So most of our food is
19 frozen.

20 MALE BOARD MEMBER: Okay.

21 THE WITNESS: We do have produce that
22 comes on both trucks.

23 MALE BOARD MEMBER: Okay.

24 THE WITNESS: And the produce is all
25 vacuum-sealed, with the exception of tomatoes, let's

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1 THE WITNESS: Yes, so they -- they have
2 both; they have a refrigeration compartment, a dry
3 compartment, and they also have a freezer
4 compartment.

5 MALE BOARD MEMBER: Okay.

6 THE WITNESS: They have three
7 compartments on each truck.

8 CHAIRMAN ANDERSEN: Okay. But they're
9 refrigerated.

10 THE WITNESS: That is correct, yes.

11 CHAIRMAN ANDERSEN: Okay.

12 MALE BOARD MEMBER: And I thought of
13 something else, and you may have covered this
14 already.

15 You talked about the peak periods
16 during lunchtime. What's your anticipated volume
17 like during dinnertime? What do you think for that
18 part of the day?

19 THE WITNESS: So the -- so the
20 advantage of dinner -- or advantage and disadvantage,
21 right, you could look at it either way, is that
22 dinner is a longer day part. You know, lunch, we
23 know that people typically eat lunch over a course of
24 three hours.

Dinner, I mean, you could have people

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1 say, for example.

2 MALE BOARD MEMBER: Okay.

3 THE WITNESS: So the food is very
4 fresh.

5 And, you know, I mean, it really works
6 well for us.

7 MALE BOARD MEMBER: Okay.

8 THE WITNESS: Just because, like I
9 said, most of our stuff is frozen.

10 MALE BOARD MEMBER: All right. So
11 basically what you're saying, even though you have,
12 like, two days worth or -- you're going to have
13 deliveries twice a week, you still have enough
14 turnover and then everything is vacuum-packed and
15 it'll work; is that basically what you're saying.

16 THE WITNESS: It does -- it does work,
17 yes.

18 MALE BOARD MEMBER: Okay.

19 CHAIRMAN ANDERSEN: So going back to
20 one of Dave's questions, the other Dave --

21 MALE BOARD MEMBER: He's Dave, I'm
22 David.

23 CHAIRMAN ANDERSEN: Okay. These trucks
24 -- these delivery trucks are refrigerated trucks
25 then? If they're frozen?

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1 sometimes eating dinner at 4:00 in the afternoon,
2 right? So the volume per hour is less during dinner,
3 during the dinner timeframe.

4 MALE BOARD MEMBER: Well, like Mark
5 mentioned before about the Wendy's across the street,
6 he commented about lunch. I could tell you in the
7 evening, too, many times it's -- it's backed up into
8 the street.

9 So you must have an idea of what you
10 anticipate during prime, you know, dinnertime, 6:00,
11 5, between 5, 6 7, which type --

12 THE WITNESS: If I had --

13 MALE BOARD MEMBER: -- of volume you're
14 anticipating?

15 THE WITNESS: Sure. If I -- if I had
16 to put my name on it, I would say that the dinner
17 volume is probably going to be in total, spread over
18 more hours, probably 60 percent of what the lunch
19 volume is. Right? It's spread over more time.

20 MALE BOARD MEMBER: Uh-huh.

21 THE WITNESS: So we have a good number
22 -- especially younger generation, that like to eat at
23 8 and 9:00 at night.

24 MALE BOARD MEMBER: Like us.

25 THE WITNESS: Yeah, 8 or 9:00 at night.

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1 So -- so, you know, that's the
 2 advantage for dinner, I think, that we have.
 3 But again, right, to go back to
 4 Wendy's, they don't have the optimal setup. I think
 5 it's because, you know, they inherited the Roy Rogers
 6 building.
 7 CHAIRMAN ANDERSEN: Anything before we
 8 open it?
 9 All right.
 10 Can I have a motion to open to the
 11 public?
 12 MALE BOARD MEMBER: Motion.
 13 MALE BOARD MEMBER: Second.
 14 MS. HARMON: Mr. Zuidema?
 15 MR. ZUIDEMA: Yes.
 16 MS. HARMON: Mr. Formicola?
 17 MR. FORMICOLA: Yes.
 18 MS. HARMON: Mr. Papapietro?
 19 MR. PAPAPIETRO: Yes.
 20 MS. HARMON: Mr. Divak?
 21 MR. DIVAK: Yes.
 22 MS. HARMON: Mr. Barlow?
 23 MR. BARLOW: Yes.
 24 MS. HARMON: Mr. Eliya?
 25 MR. ELIYA: Yes.

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1 CHAIRMAN ANDERSEN: You don't want to
 2 get too close to those guys?
 3 MR. TOMBALAKIAN: I don't mind, I just
 4 don't want to cough on...
 5 MALE BOARD MEMBER: Use the kiosk.
 6 MS. HARMON: It's all right. He can
 7 stay --
 8 MALE BOARD MEMBER: Just speak loudly.
 9 MS. HARMON: Yes.
 10 MR. TOMBALAKIAN: I apologize, COVID
 11 hit me last month and still coughing.
 12 Okay. Steven Tombalakian, attorney
 13 with Weiner Law Group, on behalf of Burger Barn, LLC,
 14 which operates the Burger King across the street from
 15 the shopping center.
 16 CHAIRMAN ANDERSEN: Okay.
 17 CROSS-EXAMINATION
 18 BY MR. TOMBALAKIAN:
 19 **Q.** Thank you, Mr. Santana.
 20 My handwriting is really bad, so how
 21 long have you been employed by PN Restaurants?
 22 **A.** **Since October of '21.**
 23 **Q.** 2021.
 24 **A.** **Correct.**
 25 **Q.** Now, the plan that you were referring

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1 MS. HARMON: Mr. Andersen?
 2 CHAIRMAN ANDERSEN: Yes.
 3 All right. Some of you may have heard
 4 this before, we're now opening it up to the public
 5 for questions of this witness.
 6 That's all.
 7 At the end of the hearing when
 8 everything is in, you'll have another opportunity,
 9 and you can come up and say whatever you want; that
 10 this is the greatest thing to happen in Midland Park
 11 or it's the end of western civilization or whatever
 12 you think.
 13 You can just say whatever you want.
 14 But for right now, all we're interested
 15 in is if you have a question for this particular
 16 witness.
 17 And we're going to do that for every
 18 witness; so as each witness comes, you can ask your
 19 questions of that witness.
 20 So, anybody in the public have any
 21 questions for this witness? Yes?
 22 MR. TOMBALAKIAN: Thank you,
 23 Mr. Chairman.
 24 Where should I stand so I get picked up
 25 by the microphone? I don't want to go near people.

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1 to was prepared by Lapatka Associates, correct?
 2 **A.** **That's correct.**
 3 **Q.** Now, the original date on that plan, if
 4 I'm not mistaken, was October of 2021, right?
 5 **A.** **Yeah.**
 6 **Q.** So that means your company was already
 7 invested in developing the site before you became
 8 employed by PN?
 9 **A.** **Yes.**
 10 **Q.** So you, yourself, weren't involved with
 11 site selection at all?
 12 **A.** **Not with site selection. No.**
 13 **Q.** Were you involved at all with the
 14 leasing between your company and the shopping center
 15 owner?
 16 **A.** **I was not.**
 17 **Q.** Okay. Have you read or are familiar
 18 with the lease for this site?
 19 **A.** **I am not.**
 20 **Q.** Are you familiar with the franchise
 21 agreements between Taco Bell, Burger King, et cetera,
 22 and the operator such as PN?
 23 **A.** **With Burger King?**
 24 **Q.** Any of the majors, well, Taco Bell,
 25 let's just --

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1 **A. I have read franchise agreements**
2 **before, yes.**

3 **Q.** The reason why I ask is that earlier
4 you testified that -- I think the expression you used
5 was a drive-through is essential to this business. I
6 might be paraphrasing.

7 Is that your position?

8 **A. It is.**

9 **Q.** Okay. And Mr. Whitaker, when he was
10 getting your direct in, I think he, himself, said
11 there's no franchise without a drive-through.

12 Would you agree with that statement?

13 MR. WHITAKER: No, I did not say that.

14 MR. TOMBALAKIAN: You didn't say that.

15 MR. WHITAKER: No.

16 MR. TOMBALAKIAN: That's in my notes.

17 MR. WHITAKER: Well, you didn't read
18 your writing correctly.

19 THE WITNESS: No, there's a lot of
20 franchises without drive-through.

21 MR. WHITAKER: What I stated was in
22 today's world, opening a franchise, are they being
23 opened with drive-throughs in locations like this,
24 and his answer was yes.

25 MR. TOMBALAKIAN: All right. Okay.

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1 **A. Correct. Non-trationals, I would**
2 **say, right.**

3 **Q.** Now, does your company represent or
4 operate brands that do not require drive-throughs?

5 **A. Yes.**

6 **Q.** Can you name some of those?

7 **A. We also operate an IHOP that does not**
8 **require a drive-through.**

9 **Q.** Okay.

10 **A. It's casual dining.**

11 **Q.** And you operate -- does your company
12 operate IHOPs in the State of New Jersey?

13 **A. We do.**

14 **Q.** What's the closest one?

15 **A. Totowa, New Jersey.**

16 **Q.** Is that a successful location?

17 **A. It is.**

18 **Q.** How long has it been there?

19 **A. I believe I opened that in 2007, if I'm**
20 **not mistaken. Right around that timeframe.**

21 **Q.** Again, since you came on board after
22 the plans had been developed, did you have any say in
23 the further development or refinement of these plans?

24 **A. I spoke with the architect on a couple**
25 **of issues. In terms of the actual building design**

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1 CHAIRMAN ANDERSEN: We get the point.
2 BY MR. TOMBALAKIAN:

3 **Q.** Now, in the agreement between Taco Bell
4 and your employer for this site, is there a legal
5 requirement that there be a drive-through associated
6 with the restaurant?

7 **A. I don't know.**

8 **Q.** Okay. What other brands does your
9 employer associate with other than Taco Bell?

10 **A. So I specifically am responsible for**
11 **Dunkin' Donuts, Sonic, Taco Bell.**

12 **Q.** And PN is an operator for all those
13 brands?

14 **A. That's correct.**

15 **Q.** Are you familiar with any new Taco Bell
16 locations anywhere in the State of New Jersey that
17 were built without drive-throughs, let's say within
18 the last five years?

19 **A. I am not.**

20 **Q.** Are there Taco Bells that exist
21 (inaudible) that operate without drive-throughs?

22 **A. I'm sure there are. Specifically in**
23 **urban areas. New York City, I would imagine, doesn't**
24 **have drive-throughs.**

25 **Q.** Or locations at malls?

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1 **and where it was placed, no.**

2 **Q.** When did you become aware that Midland
3 Park prohibits restaurants with drive-throughs? When
4 did you become familiar with that?

5 **A. Within the last couple of days.**
6 **Recently, yes.**

7 MR. TOMBALAKIAN: I have no further
8 questions.

9 Thank you.

10 CHAIRMAN ANDERSEN: You're welcome.

11 Anyone else?

12 Come forward.

13 MR. LANDEL: Swear him in.

14 CHAIRMAN ANDERSEN: Yes, swear

15 everyone.

16 MR. LANDEL: Please raise your right

17 hand.

18 Solemnly swear the testimony you're

19 about to give in the present matter will be the

20 truth, the whole truth and nothing but the truth?

21 MR. BRENNAN: I do.

22 J A M E S B R E N N A N,

23 32 Rea Avenue, Midland Park, New Jersey, having
24 been duly sworn, testifies as follows:

25 MR. LANDEL: Name and address for the

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1 record, please.
 2 MR. BRENNAN: James Brennan, 32 Rea
 3 Ave.
 4 MR. LANDEL: Thank you, Mr. Brennan.
 5 Okay. My questions are probably
 6 quality-of-life questions. Where my property is
 7 entirely on this -- my entire property is on this
 8 backup. Okay. And so the quality of life on our --
 9 on our end of the street is important to us.
 10 And the reason I bring that up is
 11 because the information that I got prior to getting
 12 here tonight was very descriptive in a non-specific
 13 way, I guess. It's unclear to me from that
 14 information how much signage light is going to be
 15 reflected up our block. I'm literally two lots up --
 16 CHAIRMAN ANDERSEN: Let me interrupt
 17 you a minute, that's a different witness who will be
 18 talking about that. This witness is not talking
 19 about that. The engineer will talk about that, or
 20 the architect.
 21 MR. BRENNAN: Okay.
 22 MR. LANDEL: This time is for
 23 cross-examination --
 24 CHAIRMAN ANDERSEN: Just if you have a
 25 question for this witness.

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1 THE WITNESS: So...
 2 MR. BRENNAN: It seems like a simple
 3 request. And -- and it would help our block a real
 4 lot.
 5 THE WITNESS: So our menu board and
 6 canopy, sits over here on this corner of the
 7 building, right?
 8 MR. BRENNAN: Uh-huh.
 9 THE WITNESS: Our speakers have volume
 10 controls.
 11 MR. BRENNAN: Yeah.
 12 THE WITNESS: So -- so we can tune this
 13 specifically in terms of volume, and I can't tell you
 14 the decibels, I don't know them off -- but I do know
 15 that our equipment has volume adjustments that we can
 16 make for that particular reason.
 17 So it wouldn't be a nuisance.
 18 I -- I don't know, and the architect or
 19 engineer can probably testify to the, let's say,
 20 white noise on Godwin versus the speaker and the
 21 decibel sounds.
 22 I don't know those answers.
 23 MR. BRENNAN: Okay.
 24 THE WITNESS: But I do know that that
 25 equipment has that capability.

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1 MR. WHITAKER: On the information that
 2 he testified to.
 3 MR. LANDEL: Right.
 4 CHAIRMAN ANDERSEN: Yeah.
 5 MR. BRENNAN: Okay. I shall wait my
 6 turn then.
 7 CHAIRMAN ANDERSEN: Well, it's not --
 8 if you have a question for this witness, that's fine.
 9 It's just, he's not -- he's not going to be able to
 10 answer that particular question.
 11 But if you have a question he can
 12 answer, then go ahead.
 13 MR. BRENNAN: Okay. My only questions
 14 were light and noise --
 15 CHAIRMAN ANDERSEN: Okay.
 16 MR. BRENNAN: -- at the end of the
 17 street, especially -- I was going to specifically ask
 18 somebody if they could eliminate the microphone from
 19 the windows.
 20 It's also -- it's very friendly to
 21 speak through a window to somebody sitting in their
 22 car and not necessarily --
 23 CHAIRMAN ANDERSEN: Mr. Santana may be
 24 able to answer that.
 25 MR. BRENNAN: Oh, good.

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1 MR. BRENNAN: And while we here now can
 2 you show me where the signage, what I am assuming is
 3 light for the signage going to be on the building.
 4 MR. WHITAKER: Our architect has that
 5 information.
 6 THE WITNESS: Yes, he has the detail.
 7 MR. WHITAKER: Yes.
 8 THE WITNESS: The architect has the
 9 detail of all the signage.
 10 MR. BRENNAN: Very good.
 11 So I can ask him?
 12 THE WITNESS: Yes.
 13 MR. LANDEL: We got another one.
 14 Please raise your right hand.
 15 Do you solemnly swear the testimony
 16 you're about to give in the present matter is the
 17 truth, the whole truth and nothing but the truth?
 18 MR. LORUSSO: I do.
 19 ANTHONY LORUSSO,
 20 64 Godwin Avenue, Midland Park, New Jersey,
 21 having been duly sworn, testifies as follows:
 22 MR. LANDEL: Name and address for the
 23 record, please.
 24 MR. LORUSSO: Anthony Lorusso 64 Godwin
 25 Avenue. And it's Anthony Lorusso.

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1 I just have a question concerning --
 2 THE WITNESS: Sure.
 3 MR. LORUSSO: -- looking at -- you're
 4 entering, you could enter off of the avenue here as
 5 well, the side street, correct?
 6 THE WITNESS: Um-hmm.
 7 MR. LORUSSO: Okay. Now, entering off
 8 of here, these parking spaces, I don't see, from this
 9 space here to this space here, this is where the cell
 10 towers are --
 11 MALE AUDIENCE MEMBER: Cell phones,
 12 right.
 13 MR. LORUSSO: -- correct?
 14 THE WITNESS: Yes, this is the cell
 15 tower area.
 16 MR. LORUSSO: Okay. This space, you
 17 have a line of cars trying to get into the
 18 drive-through.
 19 How in the world are these spaces
 20 utilized? There's no way you'll ever back out of
 21 these spaces if there's cars parked here, one.
 22 Number two, when you come in here,
 23 somebody that wants to go to either the -- any of
 24 these stores has to get through here.
 25 You could physically have cars lined up

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1 Godwin Avenue is pretty --
 2 MR. WHITAKER: I'm going to object now
 3 because we haven't had a question yet. I know this
 4 is a lay witness, but -- layperson, but at the same
 5 time we've got to respect the procedure.
 6 You make comments at the end.
 7 CHAIRMAN ANDERSEN: This is not the
 8 time for testimony.
 9 MR. LORUSSO: I have another question.
 10 CHAIRMAN ANDERSEN: At the end -- okay.
 11 At the end you can make any comments you want.
 12 MR. LORUSSO: I guess that was my
 13 question, my question is how --
 14 CHAIRMAN ANDERSEN: What's -- what's
 15 the question?
 16 MR. LORUSSO: -- how does -- how does
 17 the space between this -- this road right here, this
 18 drive-through, with these spaces here and these
 19 spaces here, there's no way it's possible to have a
 20 line of cars waiting to go through this drive-through
 21 and have cars pulling in here, if they wanted to go
 22 through the -- any of the shopping centers, and still
 23 utilize and give these spaces. It's not wide enough.
 24 There's just no way.

CHAIRMAN ANDERSEN: But you understand
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1 trying to get into the drive-through --
 2 CHAIRMAN ANDERSEN: What's the
 3 question?
 4 MR. LORUSSO: These spaces are dead.
 5 There's no way these spaces --
 6 MR. LANDEL: What's your question?
 7 MR. WHITAKER: It's time for questions.
 8 MR. LORUSSO: Excuse me?
 9 MR. LANDEL: What's your question?
 10 This is for --
 11 MR. LORUSSO: It may -- this -- I'm
 12 familiar with this property back here, and -- and I
 13 don't see how you could utilize any of these spaces
 14 any longer, or this wall.
 15 MR. LANDEL: But, you're -- this is for
 16 questions, so just what's your question? How he can
 17 use those spaces?
 18 CHAIRMAN ANDERSEN: Yes.
 19 MR. LORUSSO: Yeah.
 20 MR. LANDEL: Okay.
 21 MR. LORUSSO: Yeah, I mean, because --
 22 MR. LANDEL: This might not be the
 23 witness for that but...
 24 MR. LORUSSO: You have two-way traffic
 25 coming in and you have cars lined up. I mean, I --

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1 that's a comment, not a question, right?
 2 MR. LORUSSO: Okay, all right.
 3 CHAIRMAN ANDERSEN: And it's similar --
 4 I asked that --
 5 MR. LORUSSO: I just wanted to bring
 6 that to someone's attention.
 7 MR. WHITAKER: This is not the time --
 8 the time for that.
 9 MR. LORUSSO: Okay. All right.
 10 MALE BOARD MEMBER: You and I asked the
 11 same type --
 12 MR. LORUSSO: Right, yeah.
 13 MALE BOARD MEMBER: -- type of question.
 14 CHAIRMAN ANDERSEN: Right, we already
 15 asked that.
 16 Come on up.
 17 MR. LANDEL: Solemnly swear the
 18 testimony you're about to give in the present matter
 19 is the truth, the whole truth, nothing but the truth?
 20 MR. KNEPPER: Yes.
 21 J O H N K N E P P E R,
 22 30 Rea Avenue, Midland Park, New Jersey, having
 23 been duly sworn, testifies as follows:
 24 MR. LANDEL: Name and address for the
 25 record, please.

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1 MR. KNEPPER: John Knepper, 30 Rea Ave.
 2 MR. LANDEL: Thank you.
 3 MR. KNEPPER: I may have missed it, I
 4 was a little bit late, sorry.
 5 You mentioned the truck delivery. I
 6 missed the time that that would be.
 7 THE WITNESS: So, typically, they
 8 deliver between 5:00 and 7:30 in the morning.
 9 MR. KNEPPER: Now, how will the
 10 deliveries come into this building.
 11 THE WITNESS: So --
 12 MR. KNEPPER: These delivery trucks
 13 tend to back into things and there's always a beep.
 14 THE WITNESS: So -- so the engineer
 15 will testify to this.
 16 From what, you know, my experience is,
 17 they will use this driveway here and park right in
 18 our drive-through area and then exit on Godwin,
 19 through this exit.
 20 MALE BOARD MEMBER: Although you said
 21 they you may be willing --
 22 MR. WHITAKER: Or otherwise --
 23 MALE BOARD MEMBER: -- to eliminate
 24 that.
 25 What if that's eliminated?

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1 THE WITNESS: So to answer your
 2 question, if I were to compare this to Wendy's and we
 3 were to flip this, right, and have the ingress here,
 4 ingress here, egress here. You can see that's it's a
 5 significantly more challenging type of operation,
 6 right? Where we have the benefit of being able to
 7 keep traffic on our property, to make the movements
 8 that they need to make.
 9 Of course, like I mentioned before, and
 10 to answer or at least give some -- some insight on
 11 it, I don't anticipate spillage all in here, right?
 12 This is two ways of traffic here. You have an
 13 ingress here, you have an egress going back onto Rea.
 14 I don't anticipate spillage here.
 15 And like I said, typically customers,
 16 when they do see the drive-through spilling into a
 17 driveway like this, they will park and come inside.
 18 So this is two ways of traffic here,
 19 and like I said, it's not the same scenario of
 20 Wendy's because the property would have to be
 21 completely inverted ingress and then the egress right
 22 back, and I think that's where they have a challenge.
 23 We -- we don't have that challenge on
 24 Godwin or Rea because I think we have a much larger
 25 property in general.

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1 MR. WHITAKER: If we eliminate -- we'll
 2 have our engineer testify to the truck --
 3 CHAIRMAN ANDERSEN: Template, yes.
 4 MR. WHITAKER: -- template for this
 5 size.
 6 CHAIRMAN ANDERSEN: Okay.
 7 MR. KNEPPER: So the truck will be able
 8 to make this turn.
 9 MALE BOARD MEMBER: The engineer will
 10 --
 11 MR. WHITAKER: He didn't testify to
 12 that.
 13 MR. KNEPPER: Okay.
 14 My other question is about the property
 15 size. You were talking about Wendy's and how it
 16 spills over into the street in Godwin.
 17 Wendy's, to me, appears to be a bigger
 18 property. So it would be able to handle more cars
 19 going through that drive-through, and it's already
 20 spilling over.
 21 So I'm wondering how the smaller
 22 property would not be spilling over somewhere.
 23 MR. WHITAKER: This property has -- is
 24 larger 'cause it's the entire property. The whole
 25 lot.

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1 MR. WHITAKER: The plan shows property
 2 of 154,000 square feet, way beyond what Wendy's is.
 3 You're not dealing with a piece of property like
 4 you're dealing with --
 5 (Simultaneous Speaking.)
 6 CHAIRMAN ANDERSEN: You're picking him
 7 up?
 8 MR. KNEPPER: So questions about
 9 signage and stuff we'll deal with later.
 10 MR. WHITAKER: When the architect
 11 testifies, yes.
 12 MR. KNEPPER: Later.
 13 MR. WHITAKER: Yes, sir.
 14 MR. KNEPPER: Okay.
 15 My last thing would be, you know, you
 16 were talking about assuming all traffic is going to
 17 come down Godwin to the main entrance, and you've
 18 already discussed, like, how are we going to get
 19 people to do that?
 20 But the signage will be here, and
 21 already for Dunkin' Donuts, which is back here, lots
 22 of people are coming this way.
 23 So why -- why do we have to actually go
 24 past because you have stores here that they have to
 25 go past in order to get to this entrance down here.

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1 It doesn't seem logical.
 2 THE WITNESS: So the only thing I can
 3 say about that is I'd have to look at actual traffic
 4 counts, which I don't have. I don't know when the
 5 last traffic study was done on Godwin.
 6 My anticipation is that p.m. traffic --
 7 that we are on the a.m. side of the road, right?
 8 People traveling to major highways in
 9 this direction or at least going towards let's say
 10 208, 287, so I would anticipate this is the a.m. side
 11 of traffic. I could be wrong.
 12 But I'm looking at this as the p.m.
 13 side of traffic where customers are going to come in
 14 mostly for lunch and dinner from this side.
 15 Yes, I do -- i do think we'll have
 16 access here, right? And that's the advantage of
 17 being on a corner of visibility in this type of
 18 business. I think a lot of traffic is going to be
 19 generated from the site itself, too.
 20 MR. WHITAKER: Realize we are not
 21 proposing the Rea Avenue entrance and exit there, it
 22 was previously approved by the land use board in
 23 Midland Park.
 24 THE WITNESS: Right.
 25 MR. WHITAKER: So it's not part of our

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1 MR. ELIYA: Yes.
 2 MS. HARMON: Mr. Andersen?
 3 CHAIRMAN ANDERSEN: Yes.
 4 MR. WHITAKER: Redirect, Mr. Chairman?
 5 CHAIRMAN ANDERSEN: If you want.
 6 MALE BOARD MEMBER: Could I ask one
 7 question before you redirect?
 8 CHAIRMAN ANDERSEN: Sure.
 9 MALE BOARD MEMBER: You may or may not
 10 be the person for this one.
 11 We haven't talked or you haven't talked
 12 about, as the ops manager, waste, sanitation,
 13 pickups, frequency.
 14 Can you talk about that or would that
 15 be somebody else talking about that?
 16 THE WITNESS: I could -- I could talk
 17 to that.
 18 So -- so typically a site like this, we
 19 would do two to three pickups a week.
 20 MALE BOARD MEMBER: Okay.
 21 What time?
 22 THE WITNESS: Typically around the same
 23 timeframe as -- as our deliveries would happen. Most
 24 of our restaurants now pick up between that 6:00 and
 25 7:00 timeframe.

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1 application, it's there already.
 2 MR. KNEPPER: Yes, with all the signage
 3 that's going in.
 4 MR. WHITAKER: Well, we'll get to the
 5 signage later.
 6 MR. KNEPPER: Yeah, okay.
 7 Thank you.
 8 CHAIRMAN ANDERSEN: Anyone else, from
 9 the public?
 10 (No response.)
 11 CHAIRMAN ANDERSEN: Seeing no one,
 12 motion to close?
 13 MALE BOARD MEMBER: Motion.
 14 MALE BOARD MEMBER: Second.
 15 MS. HARMON: Mr. Zuidema?
 16 MR. ZUIDEMA: Yes.
 17 MS. HARMON: Mr. Formicola?
 18 MR. FORMICOLA: Yes.
 19 MS. HARMON: Mr. Papapietro?
 20 MR. PAPAPIETRO: Yes.
 21 MS. HARMON: Mr. Divak?
 22 MR. DIVAK: Yes.
 23 MS. HARMON: Mr. Barlow?
 24 MR. BARLOW: Yes.
 25 MS. HARMON: Mr. Eliya?

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1 MR. WHITAKER: We will stipulate that
 2 we'll comply with any ordinances in Midland Park as
 3 it pertains to when the pickups will occur.
 4 MALE BOARD MEMBER: And you'll have a
 5 dumpster in that current location that's kind of
 6 fenced off where there's nothing or...
 7 THE WITNESS: Yeah, there's a corral --
 8 MALE BOARD MEMBER: Can you point to
 9 it.
 10 THE WITNESS: Yeah, absolutely.
 11 MR. WHITAKER: We're going to have our
 12 engineer testify to it.
 13 MALE BOARD MEMBER: Okay.
 14 THE WITNESS: The dumpster corral is
 15 back in this corner of the property.
 16 MALE BOARD MEMBER: Gotcha.
 17 MALE BOARD MEMBER: Just a question,
 18 since the couple of neighbors came up. I'm familiar
 19 with some of your Dunkin' Donuts and some -- you had
 20 said you close at 1:00 a.m., you would close this
 21 one.
 22 Is that correct or am I --
 23 THE WITNESS: This Taco Bell --
 24 MALE BOARD MEMBER: Yeah.
 25 THE WITNESS: -- would close at 1 a.m.

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1 on Fridays and Saturdays and midnight Sunday through
 2 Thursday.
 3 MALE BOARD MEMBER: Okay. 'Cause the
 4 one in Oakland closes at 9:30, and there's a bunch of
 5 Taco Bells that close at 11:00.
 6 So just -- it may affect us later, but
 7 timing on -- on closing there, since a couple of
 8 these neighbors are close by, since you have
 9 precedent at some of the other ones, I'm not
 10 including the -- the mall ones, they have to close at
 11 9:30, so I just thought I'd --
 12 MR. WHITAKER: Oh, the restaurant use
 13 is a permitted use.
 14 MALE BOARD MEMBER: Correct.
 15 MR. WHITAKER: You don't have an
 16 ordinance that says that a business has to close --
 17 MALE BOARD MEMBER: Well, I'm -- I'm
 18 asking the question because if the board is going to
 19 vote, then --
 20 CHAIRMAN ANDERSEN: Right.
 21 MALE BOARD MEMBER: -- you know I'll
 22 vote no then or yes or whatever. I'm asking the
 23 question --
 24 CHAIRMAN ANDERSEN: No, you don't have
 25 to, but you --

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1 MR. LANDEL: I don't know.
 2 MR. WHITAKER: I'm not aware of such an
 3 ordinance, but I will certainly research it before
 4 the next meeting.
 5 MR. LANDEL: What's the number you're
 6 looking at.
 7 MALE BOARD MEMBER: Ordinance
 8 No. 08-21.
 9 MR. LANDEL: Oh, you don't have a 34
 10 number.
 11 MALE BOARD MEMBER: Oh, 34-13.13.
 12 Drive-through --
 13 MR. LANDEL: 13-13.
 14 MALE BOARD MEMBER: -- drive-up windows
 15 and outdoor ordering locations.
 16 MR. LANDEL: What was that again?
 17 MALE BOARD MEMBER: 34-13.13.
 18 MR. LANDEL: 13.13, okay.
 19 MALE BOARD MEMBER: I see it.
 20 MALE BOARD MEMBER: Mockingbird Lane.
 21 MALE BOARD MEMBER: I can stay until
 22 midnight.
 23 MALE BOARD MEMBER: They got letters.
 24 MR. WHITAKER: I said, we will comply
 25 with whatever the ordinance says.

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1 MALE BOARD MEMBER: I'm asking the
 2 question about is there any give or take for that,
 3 considering the neighbors that have come up worrying
 4 about any type of activity.
 5 And you said: No, they all close at
 6 1:00. And I have my answer.
 7 That's all.
 8 THE WITNESS: I wouldn't say that they
 9 all close at 1:00, you know, Dunkin' is more -- you
 10 mentioned Dunkin', but Dunkin' is very specific a
 11 breakfast business, right?
 12 So Dunkin' has some latitude. In terms
 13 of the Dunkin' that's in Midland Park, for example,
 14 right?
 15 In terms of Taco Bell, we do have some
 16 latitude with the hours of operation. I think when
 17 we look at a trade area typically, we try to mirror
 18 the competition and what they're doing, have similar
 19 hours of operation.
 20 And I think in this case, some of our
 21 competitors in the same trade area close at 1:00.
 22 MALE BOARD MEMBER: Isn't our town
 23 ordinance hours of operation limited 6:00 a.m. to
 24 12 midnight for drive -- drive -- drive-up windows
 25 and outdoor ordering locations.

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1 MR. LANDEL: Yeah, all right. Okay.
 2 All right. Thanks, Nick.
 3 Before Mr. -- Mr. Whitaker is going to
 4 do his redirect.
 5 MR. WHITAKER: Just a few questions.
 6 MR. LANDEL: Sure.
 7 REDIRECT EXAMINATION
 8 BY MR. WHITAKER:
 9 Q. One of the residents raised a question
 10 about microphone at the window, not the reader board.
 11 Does Taco Bell have a microphone at the
 12 window?
 13 A. **We do not.**
 14 Q. So the only noise at the window is
 15 between somebody at the window and the person in
 16 their car?
 17 A. **That is correct.**
 18 Q. Nothing is amplified?
 19 A. **That's correct.**
 20 Q. There was a question raised about
 21 trying to compare a Taco Bell and the -- and to the
 22 IHOP on the basis that IHOP is a franchise, but
 23 doesn't have a drive-through window.
 24 Is there a reason for that?
 25 A. **The nature of an IHOP business is**

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1 **casual dining, so there's no need for drive-through.**
 2 **Q.** So what -- casual dining meaning that
 3 they're not a facility that services people through a
 4 drive-through window with take-out?
 5 **A. That is correct.**
 6 **Q.** So the IHOP franchise primarily serves
 7 people in-house?
 8 **A. Correct.**
 9 MR. WHITAKER: Thank you.
 10 CHAIRMAN ANDERSEN: Yeah, it's 9:00. I
 11 see you -- is Mr. Missey your next witness?
 12 MR. WHITAKER: Yes, he is.
 13 CHAIRMAN ANDERSEN: What do you want to
 14 do.
 15 MR. WHITAKER: You want to stop me at
 16 --
 17 CHAIRMAN ANDERSEN: No later than 9:30.
 18 I just don't know whether you want to
 19 start or not.
 20 MR. WHITAKER: How about we take a
 21 five-minute break and I'll discuss it and see.
 22 CHAIRMAN ANDERSEN: Okay.
 23 MR. WHITAKER: We'll start, we're just
 24 going to do just an overview of existing conditions
 25 and --

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1 CHAIRMAN ANDERSEN: Yes. I don't know
 2 if you caught that colloquy, but he's going to start
 3 --
 4 MR. KNEPPER: Okay.
 5 CHAIRMAN ANDERSEN: -- but he's not
 6 going to get through tonight.
 7 So what I said to you before is we're
 8 not going to get to the public tonight.
 9 MR. KNEPPER: So they'll come back next
 10 meeting.
 11 CHAIRMAN ANDERSEN: And they're going
 12 to come back another night, yeah.
 13 MR. KNEPPER: Thank you.
 14 MR. LANDEL: Mr. Missey, please raise
 15 your right hand.
 16 Solemnly swear the testimony you're
 17 about to give in the present matter is the truth, the
 18 whole truth and nothing but the truth?
 19 MR. MISSEY: Yes, I do.
 20 **A N D R E W H. M I S S E Y, PE,**
 21 **12 Route 17 North, Paramus, new Jersey, having**
 22 **been duly sworn, testifies as follows:**
 23 MR. LANDEL: Thank you, sir.
 24 Name and address for the record,
 25 please.

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1 CHAIRMAN ANDERSEN: Right.
 2 MR. WHITAKER: -- overall plan and then
 3 we'll stop.
 4 CHAIRMAN ANDERSEN: All right, okay.
 5 So we're not going to get finished with him.
 6 MR. WHITAKER: Oh, gosh, no.
 7 CHAIRMAN ANDERSEN: So we're not going
 8 --
 9 MR. WHITAKER: Never expected to.
 10 CHAIRMAN ANDERSEN: We're not -- yeah,
 11 I know, but we're not going to open to the public
 12 tonight.
 13 MR. WHITAKER: No, we'll never get
 14 through all this, yes.
 15 CHAIRMAN ANDERSEN: What was his name?
 16 MALE BOARD MEMBER: Missey.
 17 MR. WHITAKER: Andrew Missey.
 18 CHAIRMAN ANDERSEN: No, no.
 19 I know Mr. Missey. No, the person who
 20 asked me about the time.
 21 MS. HARMON: John Knepper.
 22 CHAIRMAN ANDERSEN: John.
 23 MS. HARMON: John Knepper.
 24 CHAIRMAN ANDERSEN: John?
 25 MR. KNEPPER: Yes.

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1 MR. MISSEY: Andrew H. Missey,
 2 M-I-S-S-E-Y. Licensed professional engineer at
 3 Lapatka Associates in Paramus, 12 Route 17 North.
 4 VOIR DIRE EXAMINATION
 5 BY MR. WHITAKER:
 6 **Q.** Mr. Missey, I'd like you, just for the
 7 record, give us basic knowledge of your education and
 8 professional background.
 9 **A. Yes, I've been at Lapatka for the last**
 10 **32 years.**
 11 **Prior to that, I was with Andrew**
 12 **Marshall in Ridgewood, got a bachelor of science and**
 13 **master of science in civil engineering.**
 14 **Bachelor's from New Mexico State and a**
 15 **master's from Rutgers.**
 16 **I've appeared before this zoning board**
 17 **on numerous occasions, most recently for the Eastern**
 18 **Christian Elementary School in fall of '22.**
 19 **Prior appearances here for significant**
 20 **projects were the Folger Community Center and also**
 21 **the Midland Park shopping center across the street.**
 22 MR. WHITAKER: I would ask that
 23 Mr. Missey be qualified as an expert witness in the
 24 field of civil engineering and on that basis, be
 25 permitted to render an opinion in that field.

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1 CHAIRMAN ANDERSEN: I think you may
 2 have said this, Mr. Missey, but you have a current
 3 New Jersey licence, correct?
 4 THE WITNESS: I do, yes.
 5 CHAIRMAN ANDERSEN: Okay.
 6 THE WITNESS: It's in good standing.
 7 CHAIRMAN ANDERSEN: Mr. Missey has
 8 testified numerous times before us. Anyone have any
 9 questions about his -- all right, so he's accepted as
 10 an expert in engineering.

11 MR. WHITAKER: Thank you very much.

12 DIRECT EXAMINATION

13 BY MR. WHITAKER:

14 Q. Mr. Missey, you've been engaged from
 15 the inception of this application to prepare the
 16 plans that were submitted with the application?

17 A. That's correct, yes.

18 Q. I would like you to provide to the
 19 board and put on the record what the existing
 20 conditions are.

21 A. At the present time, this is a
 22 three-and-a-half acre strip center with -- that's on
 23 the north side of westbound Godwin Avenue,
 24 immediately to the east of Goffle Road, Godwin
 25 intersection, where Godwin then jogs off to the north

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1 this particular site from Godwin.
 2 Across Rea Avenue is a three-story
 3 office building and then immediately to the north or
 4 -- or up the hill are the -- is the residential
 5 neighborhood of Midland Park.

6 Wendy's, Kings and the martial arts
 7 business are across the street, as is the Kings --
 8 well, the whole Midland Park Shopping Center.

9 Right now, the site has 83.6 percent
 10 impervious. There is -- that was an existing
 11 nonconformity associated with the CVS application,
 12 and, in fact, the CVS application decreased the
 13 impervious at that point in time, too, when that was
 14 approved.

15 The former bank building sits about
 16 7 feet off Rea and -- about 7-and-a-half feet off of
 17 Godwin Avenue, in an area where a minimum of 25-foot
 18 front yard is required.

19 So the bank building is a
 20 nonconforming, preexisting condition on this
 21 property.

22 The current number of parking spaces
 23 here is 480 spaces, and that includes one space with
 24 an empty chain-link exposure at the Rea Avenue
 25 entrance and exit from this site.

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1 and west to Wyckoff.
 2 The site used to have an anchor tenant
 3 of the Sears hardware store. That's long gone.
 4 The CVS is now the anchor store at the
 5 corner of -- oh...

6 CHAIRMAN ANDERSEN: Erie.
 7 THE WITNESS: -- Erie, thank you. Erie
 8 and Godwin.

9 There's a multi-tenant commercial space
 10 immediately to the east of that, some of which is
 11 under construction at the present time.

12 The dry cleaners is no longer there,
 13 but there is a T-Mobile store, a Chinese restaurant
 14 and a Dunkin' Donuts that are in operation.

15 This site, itself, at the southeast
 16 corner was a former Columbia Bank with a
 17 drive-through and about six parking spaces.

18 The site, itself, stretches from Rea
 19 Avenue to Erie Avenue, all of which is in the B3
 20 zone.

21 The other neighbors in the immediate --
 22 on this side of the street include a barber and a
 23 nail salon immediately to the west, there's then a
 24 pool store and a former jewelry business.

25 And then it's the main driveway into
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1 The number of driveways that are
 2 present here, one unique feature of these driveways
 3 is that when you exit the site on either Erie or Rea
 4 Avenue, you are required to return back to Goffle, so
 5 as to discourage --

6 MALE BOARD MEMBER: Godwin.
 7 MR. WHITAKER: Godwin.

8 THE WITNESS: Godwin, excuse me -- so
 9 as to discourage or certainly make very difficult the
 10 movement back up into the residential areas.

11 What we're proposing to do is to
 12 demolish that bank building at the southeast corner,
 13 but retain all the driveways and curb cuts that exist
 14 now in their present condition, and retaining their
 15 present movement/restrictions and so on and so forth.

16 The Taco Bell that's been discussed is
 17 -- measures 80-feet-by-25-feet in width. It will
 18 exceed the B3 setback requirements; it will be
 19 33 feet to the Godwin Avenue right-of-way and 30 feet
 20 to the Rea Avenue right-of-way. 170 parking spaces
 21 are proposed for this overall site if this project is
 22 successful.

23 It will increase the greenery by 1550
 24 square feet, that would still be nonconforming to
 25 what's required in the B3 zone, but we're continuing

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1 to move in the correct direction with the trend
 2 starting with the CVS application.
 3 The drive-through, itself, will be
 4 12 feet in width with a taper down at its exit point
 5 up to 10 feet. It will employ the standard
 6 counterclockwise movement so that the driver faces
 7 the pickup window. It stacks 11 vehicles in total.
 8 That's an important number. That's how many vehicles
 9 that the operator as we developed this site plan felt
 10 needed to be accommodated.

11 It stacks six vehicles to the menu
 12 board. That's another important number, because that
 13 permits us to have 153 feet of stacking, which is a
 14 measure that's required to be 150 feet for a
 15 drive-through facility in Midland Park.

16 The deliveries, as has been testified
 17 to, will be off hours. We are going to have to
 18 revisit the delivery movements with the architect and
 19 the operator between now and the next meeting. We
 20 anticipated putting the application in to you and we
 21 illustrated on plan Sheet 3 of A-3 an SU30 vehicle
 22 making deliveries within the drive-through lane in
 23 off hours, and it would make a right-only exit onto
 24 Godwin Avenue -- exit onto Godwin Avenue west upon
 25 completion of its delivery.

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1 and also a single story.
 2 The lot coverage, the maximum lot
 3 coverage by buildings is restricted to 30 percent.
 4 In the existing condition it's
 5 20 percent, so that's in compliance. And with us
 6 putting in a Taco Bell with a smaller footprint than
 7 the Columbia bank building, that will go down to
 8 about 19 percent.

9 Maximum improved lot coverage or
 10 maximum impervious coverage is restricted in this
 11 zone to 75 percent. When CVS started its application
 12 -- or when CVS concluded its application, that number
 13 went to 85.6 percent --

14 MALE BOARD MEMBER: It's 83.

15 THE WITNESS: Excuse me, to 83.6. That
 16 was amended, 83.6 percent. We are making that better
 17 by -- by one percent, 82.6.

18 So, as I said, we're going in the right
 19 direction.

20 Our required setback on Godwin is
 21 25 feet, and on Rea it's actually 30 because Rea is
 22 only 40 feet in width, so we need to add the extra
 23 five feet.

24 The bank building is nonconforming;
 25 it's 7.6 to Godwin and 7.2 to Rea. In our case it

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1 But at this point in time, we have
 2 stipulated that more than likely we'll eliminate that
 3 Godwin Avenue exit because that is a nonconformity
 4 with its proximity to the next driveway to the nail
 5 salon and barber business, so that is why we will be
 6 revisiting that.

7 I think you're -- the Burgis report
 8 from January very succinctly summarizes the bulk --
 9 bulk requirements and how this project complies.
 10 That's found on the Burgis report of January 20th,
 11 page 4.

12 We are in the B3 zone district, so this
 13 requires a minimum lot area of 10,000 square feet.
 14 We exceed that by a factor of 15. This is 154,555
 15 square feet.

16 The lot width is required to be
 17 100 feet. This lot from side to side is 321 feet.

18 The lot depth is required to be
 19 100 feet. The existing and proposed will be
 20 314 feet.

21 The maximum height and stories here is
 22 36 feet in height and two-and-a-half stories. The
 23 existing CVS and also the building that's being built
 24 are 28 feet in height and a single story, and the
 25 Taco Bell is going to be about 25.6 feet in height

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1 will be 33 feet to Godwin and 30 feet to Rea, so we
 2 will comply.

3 In our -- this case, we don't have a
 4 side yard, so that's not a factor. The rear --
 5 minimum rear yard is required to be 25 feet. This
 6 proposed restaurant will be 134 feet to the back
 7 line.

8 So that's our zoning compliance.

9 BY MR. WHITAKER:

10 **Q.** I had stated earlier that the parking
 11 that we have on site, you've testified 170 spaces, is
 12 in excess of what the requirements are under the
 13 parking requirement for Midland Park; correct?

14 **A. That's correct.**

15 **Under the parking requirements for**
 16 **Midland Park, we need 167 spaces. And that is**
 17 **because, between when CVS was approved, they got a**
 18 **parking variance because the parking ordinance was**
 19 **different, that changed in, I believe, 2021.**

20 **And so we do now comply with the**
 21 **parking requirement, as does the current site since**
 22 **that ordinance changed.**

23 **Q.** So we have the ability, and some
 24 flexibility is necessary, to redesign parking or
 25 reduce the number of parking spaces.

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1 Is that correct?

2 **A. That's correct. We have -- we have**

3 **more flexibility.**

4 **One thing to note is that the soil**

5 **moving is -- is not significant for this particular**

6 **application. To demolish the building, the bank**

7 **building, and to create the pad site for the Taco**

8 **Bell structure, the cut quantities are 96 cubic yards**

9 **of cut and 268 cubic yards of fill, so that leaves us**

10 **with an import of 172 cubic yards. So it's not a**

11 **significant -- not a significant number.**

12 **I think with that, that's probably a**

13 **good place to stop.**

14 MR. WHITAKER: So we've shown you what

15 the existing conditions are and what's being

16 proposed. We'll address the actual drainage,

17 lighting, landscaping and all the other items that

18 were raised at your next meeting, give you the

19 opportunity to move on to what else you have on the

20 agenda.

21 CHAIRMAN ANDERSEN: All right. At that

22 point we'll ask any questions we have regarding some

23 of the things you --

24 MR. WHITAKER: Absolutely.

25 CHAIRMAN ANDERSEN: -- parking and --

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1 MS. HARMON: Mr. Formicola?

2 MR. FORMICOLA: Yes.

3 MS. HARMON: Mr. Papapietro?

4 MR. PAPAPIETRO: Yes.

5 MS. HARMON: Mr. Divak?

6 MR. DIVAK: Yes.

7 MS. HARMON: Mr. Barlow?

8 MR. BARLOW: Yes.

9 MS. HARMON: Mr. Eliya?

10 MR. ELIYA: Yes.

11 MS. HARMON: Mr. Andersen?

12 CHAIRMAN ANDERSEN: Yes.

13 For members of the public, the meeting

14 -- this application is being carried to April 12th.

15 You will not get another notice. In

16 other words, this is your notice that it's going to

17 be on April 12th.

18 Anybody have anything -- do you have

19 anything?

20 MR. WHITAKER: Thank you for your time

21 this evening.

22 CHAIRMAN ANDERSEN: Okay.

23 Did you have anything, Mr. -- ddi you

24 want to address the board at all?

25 MALE AUDIENCE MEMBER: No.

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1 and whatever. Okay?

2 THE WITNESS: Yes.

3 CHAIRMAN ANDERSEN: Is that okay with

4 everyone? Okay.

5 All right.

6 MR. WHITAKER: We just need an

7 announcement, that's all.

8 CHAIRMAN ANDERSEN: You need what?

9 MR. WHITAKER: Announcement to carry

10 the meeting to members of the public, there's no

11 future notice.

12 MS. HARMON: April 12th.

13 CHAIRMAN ANDERSEN: April 12?

14 MS. HARMON: Yes.

15 CHAIRMAN ANDERSEN: All right. So for

16 members of the public -- well, first of all, let's do

17 it. We need a motion to carry this application till

18 the next meeting on April 12.

19 MALE BOARD MEMBER: I make a motion.

20 MALE BOARD MEMBER: Second.

21 MS. HARMON: Did i get a second?

22 CHAIRMAN ANDERSEN: Mark.

23 MS. HARMON: Oh.

24 Mr. Zuidema?

25 MR. ZUIDEMA: Yes.

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1 CHAIRMAN ANDERSEN: Okay. All right.

2 (Whereupon, this concludes the

3 transcription of the Audio File for the

4 March 8, 2023 Meeting of the Borough of

5 Midland Park Zoning Board of Adjustment

6 regarding the matter of Application of MHF

7 Midland Park, LLC, Taco Bell, 80 Godwin

8 Avenue, Block 6, Lot 17.02 at 55:57 on the

9 digital counter.)

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CERTIFICATE

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

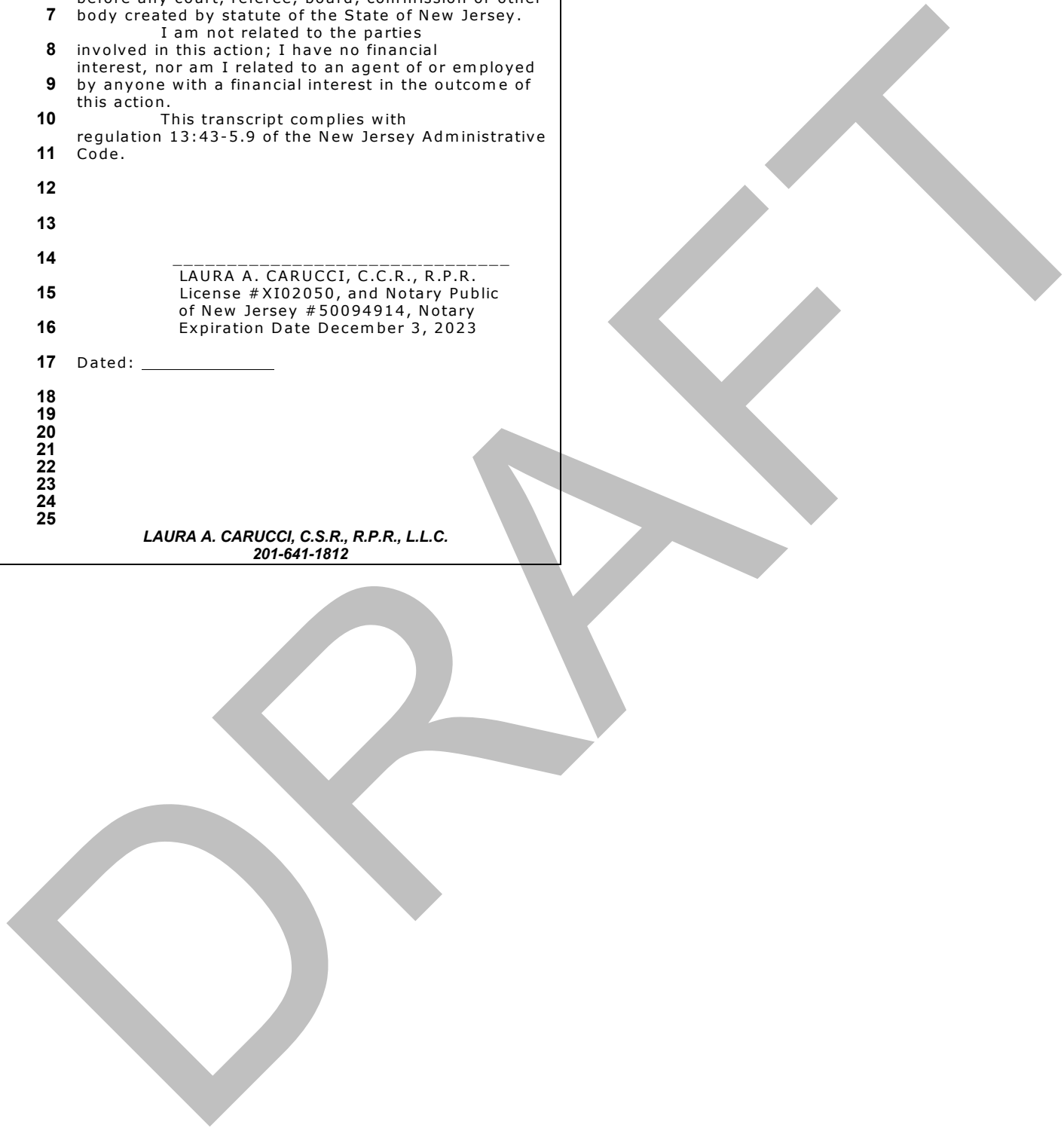
I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License # XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: _____

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