BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES April 12, 2023

PLEASE TAKE NOTE: ON WEDNESDAY, APRIL 12, 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 Mr. David Zuidema Mr. Richard Formicola	present excused excused	Mr. Mark Divak Mr. William Placier Mr. David Barlow Mr. Jacabh Eliva, Alt #1	present present 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; T. Behrens, Planner

PUBLIC HEARINGS

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

RESOLUTIONS

Nouvelle LLC – 714 Godwin Avenue – BL 55 LT 8 – motion to approve the resolution as amended made by Mr. Barlow. Seconded by Mr. Papapietro; all eligible members voted in favor

Meeting Adjourned – 8:41 PM Jessica Harmon

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1	2 WITNESS SWORN TESTIMONY
	3 ANDREW H. MISSEY, P.E. 12 Direct Examination by Mr. Whitaker 14
1 BOROUGH OF MIDLAND PARK ZONING BOARD OF ADJUSTMENT	4 Cross-Examination by Ms. Rizzuto 49
2 WEDNESDAY, APRIL 12, 2023	Board/Professional Questions
7:30 P.M.	5 Vice Chairman Papapietro 34 Mr. Wostbrock 36
IN THE MATTER OF:) TRANSCRIPT OF 4)	6 Mr. Behrens 42
APPLICATION OF) PROCEEDING 5 MHF MIDLAND PARK, LLC/)	Mr. Capalbo 44 7 Mr. Landel 45
TACO BELL -) 6 80 GODWIN AVENUE,)	Public Questions
BLOCK 6, LOT 17.02.	8 Karen Ng 56 56
, , , , , , , , , , , , , , , , , , , ,	30 Rea Avenue 9
8 BEFORE:	RICHARD WOSTBROCK, P.E. 37
9 LES ANDERSON, CHAIRMAN	10 THOMAS BEHRENS, P.P. 41
10 NICK PAPAPIETRO, VICE CHAIRMAN	11
11 RICHARD FORMICOLA, SECRETARY (ABSENT)	12
12 DAVID BARLOW, MEMBER	12
13 JAMES CAPALBO, MEMBER	$13 \qquad E X H I B I T S$
14 WILLIAM PLACIER, MEMBER	14 NO. DESCRIPTION IDENT/EVID 15 A-1 Application for Use Variance and
15 MARK DIVAK, MEMBER	Site Plan Approval 4
16 JOSEPH ELIYA, MEMBER	16 A-2 Alta/NSPS Land Title Survey Prepared
17 DAVID ZUIDEMA, MEMBER (ABSENT)	17 By DPK Consulting, Dated 11/12/21 4
18	
19	18 A-3 Site Plan Prepared by Lapatka Associates, Dated 11/02/21,
	19 Last Revised 5/23/22 (3 pgs.) 4
20	20 A-4 Architectural Plans Prepared by
21 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	Zelta Design, Dated 10/04/22 (3 pgs.) 10
22 CERTIFIED COURT REPORTERS P.O. BOX 505	21
23 SADDLE BROOK, NEW JERSEY 07663 (201) 641-1812	A-5 Site Plan Prepared by Lapatka 22 Associates, Date 11/12/21, Last
24 LauraACaruccillc@gmail.com	Revised 3/20/23 (3 pgs.) 14
25	23 A-6 Revised Site Plan Rendering,
	24 Prepared by Lapatka Associates 21
LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	25
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
2	4
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1	Please stand for the Pledge.	
2	(Whereupon, all rise for a recitation	
3	of the Pledge of Allegiance.)	
4	MS. HARMON: Mr. Papapietro?	
5	VICE CHAIRMAN PAPAPIETRO: Present.	
6	MS. HARMON: Mr. Divak?	
7	MR. DIVAK: Here.	
8	MS. HARMON: Mr. Placier?	
9	MR. PLACIER: Here.	
10	MS. HARMON: Mr. Barlow?	
11	MR. BARLOW: Here.	
12	MS. HARMON: Mr. Eliyah?	
13	MR. ELIYAH: Here.	
14	MS. HARMON: Mr. Capalbo?	
15	MR. CAPALBO: Here.	
16	MS. HARMON: Mr. Andersen?	
17	CHAIRMAN ANDERSEN: Here.	
18	We have one public hearing tonight, MHF	
19	Midland Park, LLC.	
20	Bruce, do you want to 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	
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	
	201-641-1812	
	6	
1	applicant, MHF Midland Park, LLC, in connection of	
2	the continuation of the Planning Board public hearing	
3	for the Taco Bell installation that is proposed at	
4	80 Godwin Avenue, Block 6, Lot 17.02, in Midland	
5	Park.	
6	I have just some housekeeping I'd like	
7	to do first.	
8	First, you do have I left this	
9	evening an exhibit list. It's basically the same	1

evening an exhibit list. It's basically the same 9

10 list you had before.

11 The last plan is a plan of March the **12** 20th, 2023 revision. 13 It's made some revisions based upon

14 your engineer's reports and suggestions, and based

15 upon some testimony that we received -- based on some

16 comments, I should say, that came through the course 17

of the testimony at the last meeting. 18 We've also had the benefit of certain

19 reports that have come in since the last hearing.

20 And I want to just put some things on 21 the record.

22 We have a report of April the 5th from

23 the construction official suggesting a relocation of 24

the dumpsters. And I'm going to provide you with an

25 exhibit tonight showing you that, basically, we're LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

04/27/2023 08:02:01 AM

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going to do what the construction officer has 1 2 proposed and suggested, and that's the movement of it over near where the cell tower site is. 3 4 There is a report from the fire 5 department that asks that a Knox Box be installed. 6 Obviously, they were not here, but we had testified 7 that, yes, a Knox Box would be installed. 8 And then there is a request from the 9 DPW that the back end of the area at 80 Godwin Avenue 10 where there is certain construction equipment and 11 storage area, that that needs to get rectified before 12 the board would ever finalize in a hearing or make it 13 a condition of approval. And we're stipulating that, obviously, that would have to be, because those 14 15 parking spaces are part of the count. And we had the 16 benefit of the photos that the DPW sent to us. So I just want to put those things on 17 18 record. 19 We completed the testimony of our first 20 witness at the last meeting, as you'll recall, which 21 pertains to the operational aspects of Taco Bell, 22 talking about hours of operation, number of 23 employees. The fact that with today's world that the 24 idea of going to a fast food-style restaurant, a 25 takeout-style restaurant, that the public has got an LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812 8 1

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expectation now of not sitting down in such places, 2 but picking up, and that's COVID-driven and for many other reasons, the public expectation now is a 4 drive-through window. And that's what we're proposina. We also had the testimony that the existing building, servicing a bank at one time, did have a drive-through window. And we're basically replacing that building with another one with the same type of one 11 drive-through window for it. 12 We also specified at the last hearing 13 what the variance requests were that we had as far as 14 the C-1 and C-2 variances that we were speaking of, in generalities, because we don't have our planner to 15 16 testify, and also the use variance we're talking about, and the fact that there is an ordinance that prohibits a drive-through now for restaurant use. I don't believe, as far as our direct 20 testimony, tonight will be that long. Famous last words. I have one witness, Mr. Missey, who 23 started at the last meeting. What I want to do tonight is have him

25 finish his testimony pertaining to the site plan

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.

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1	aspect.	
2	We still have architectural to talk	
3	about, which will be brief at another meeting.	
4	We have traffic, a traffic report.	
5	We'll have our traffic engineer for that.	
6	Then, obviously, we'll have our planner	
7	at a future meeting.	
8	At the last meeting, Mr. Missey was	
9	qualified as an expert witness in the field of	
10	engineering.	1
11	You recognized him, from Lapatka	1
12	Associates. He's appeared here many times before.	1
13	He testified as to the existing conditions. He	1
14	testified, basically, where the placement of the	1
15	building would be and the bulk standards that were	1
16	being met as far as the building is concerned.	1
17	I'm going to have him he's still	-
18	under oath pick up from there. And he's going to	1
19	walk you through the various site aspects of it and	
20	show you also some modifications that were made.	
20	On the basis of that, from the original	
21	plan, he will describe to you the small modifications	
22	that were made, based upon it. And we'll work from a	
23 24		
24 25	revised plan of March 20th, 2023.	
25	MR. LANDEL: Just one bit of	
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	
	10	
1	housekeeping, Bruce.	
2	The last I've got your exhibit list.	
2	The last exhibit I had marked as A-3 was the site	
4	plan.	
5	The next one on your list is A-4,	
6	architectural plans.	
7	We haven't gotten to those.	
8	MR. WHITAKER: We haven't gotten to	
9	that yet, right. Okay.	
10	(Whereupon, Architectural Plans	1
11	Prepared by Zelta Design, Dated 10/04/22,	1
12	three pages is premarked as Exhibit A-4 for	1
13	identification.)	1
14	CHAIRMAN ANDERSEN: And I also have one	-
15	interruption. You're having a traffic expert?	
16	As long as it's come up now, should the	4
17	board retain a traffic expert to review the report	4
18	from their traffic expert?	
19	VICE CHAIRMAN PAPAPIETRO: Yes.	1
20	MR. PLACIER: Yes.	
21	CHAIRMAN ANDERSEN: Am I in your way?	
22	MS. HARMON: Sorry.	
23	CHAIRMAN ANDERSEN: All right.	
24	So are you going to get in touch	2
25	with	
.	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	
	201-641-1812	

		11
1		MS. HARMON: Yes.
2		MR. WHITAKER: Do you have one that's
3	appointed for	the year?
4		CHAIRMAN ANDERSEN: No.
5		Who is the guy we use, Serge?
6		MS. HARMON: Serge, yeah.
7		MR. WHITAKER: Serge? Okay.
8		CHAIRMAN ANDERSEN: Serge.
9		-
9 10		Probably that's depending on
	connicts or wi	hatever. Okay.
11		I interrupted you.
12	<i>c</i>	MR. LANDEL: Jessica just reminded me,
13		that Mr. Placier has listened to the
14	tape and he's	
15		He signed the certification.
16		We are all fine for tonight.
17		MR. WHITAKER: Fine.
18		Unless there's any other questions of
19	me, I'll call M	r. Missey up to set up.
20		And he'll go through the site plan
21	aspects.	
22		MR. LANDEL: Thank you.
23		MS. RIZZUTO: Excuse me, Mr. Chairman.
24	Can I get the	spelling of this witness's last name?
25		CHAIRMAN ANDERSEN: Sure.
	LAUR	A A. CARUCCI, C.S.R., R.P.R., L.L.C.
		201-641-1812
		12
1		Do you have a set of plans?
1 2		Do you have a set of plans? MS. RIZZUTO: Because I missed the
-	first the firs	MS. RIZZUTO: Because I missed the
2	first the firs	MS. RIZZUTO: Because I missed the
2 3	first the firs	MS. RIZZUTO: Because I missed the st meeting.
2 3 4		MS. RIZZUTO: Because I missed the st meeting. MR. MISSEY: M-I-S-S-E-Y.
2 3 4 5		MS. RIZZUTO: Because I missed the st meeting. MR. MISSEY: M-I-S-S-E-Y. MS. RIZZUTO: And, Mr. Chair, would you
2 3 4 5 6		MS. RIZZUTO: Because I missed the st meeting. MR. MISSEY: M-I-S-S-E-Y. MS. RIZZUTO: And, Mr. Chair, would you ter my appearance?
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	13		1:
1	ANDREW MISSEY, PE	1	testified as to existing conditions. And I take it
2	12 North State 17, Suite 230, Paramus, New	2	that the existing conditions you testified to have
3	Jersey, having been duly sworn, testifies as	3	not changed or been modified by the plans that have
4	follows:	4	been revised, correct?
5	MR. MISSEY: Just for the record, I'm	5	A. That is correct.
6	Andrew Missey with the firm Lapatka Associates in	6	Q. And you also testified as to the
7	Paramus.	7	proposal for the building, itself, and its location.
8	MR. WHITAKER: So I would just like one	8	A. That's correct.
9	question before I ask Mr. Missey any questions.	9	Q. Based upon the testimony you provided,
10	At this point, the attorney, Anne Marie	10	that building location has not been modified as far
11	Rizzuto, she's made representations that she	11	as this revision is concerned.
12	represents the Burger Barn, LLC, and that it operates	12	Is that correct?
13	the Burger King it operates the Wendy's.	13	A. It has not. It remains in conforman
14	MS. RIZZUTO: Oh, I'm sorry.	14	with the B-3 Zone setback.
15	MR. WHITAKER: I believe, if you look,	15	Q. Because of the latest of the evening
16 17	your client is Burger King.	16	last meeting, we decided that it was best to stop
	So I want the record to be reflective	17	there before you got into more of what is being
18 19	of that, because the last representation was that it	18 19	proposed for the site improvements on the property.
20	was Burger King. The letter that is dated March 8th	20	So what I would like you to do, without going through a Q and A, is to give us an overview of
20 21	references Burger King.	20	the overall proposal as it pertains to the building,
22	So we want to keep the record straight.	21	the parking, ingress and egress as proposed to the
23	MS. RIZZUTO: Right.	22	site, drainage and the like?
24	And the entity is known as Burger Barn,	23	A. Certainly.
25	LLC.	25	I'll begin with the building, itself.
20	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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	14		1(
1	I apologize.	1	It's going to be a Taco Bell. It will be 25 feet in
2	MR. WHITAKER: No. No apology needed.	2	width and about 80 feet in length, with a
3	I just want to get the record clear.	3	drive-through window located on its easterly side
4	Thank you.	4	That drive-through window will face
5	(Whereupon, Site Plan Prepared by	5	Avenue and the building, the office building, acro
6	Lapatka Associates, Date 11/12/21, Last	6	the street.
7	Revised 3/20/23 is received and marked as	7	The drive-through, itself, will be
8	Exhibit A-5 for identification.)	8	accessed in a similar manner to the way that the
9	CONTINUED DIRECT EXAMINATION	9	Atlantic Stewardship drive-through was accessed, that
10	BY MR. WHITAKER:	10	is through an interior aisle way.
11	Q. Mr. Missey, you're still under oath.	11	But the egress drive that the bank had
12	You have a plan up on the easel this	12	onto Godwin is proposed to be eliminated now.
13	evening.	13	And with the elimination of that egress
14	And we've marked this as A-5, but just	14	drive onto Godwin Avenue, the movement will continue
15	for the record, put on the title of the plan and the	15	around in the U-shape to arrive at the drive-through
16	final revision date.	16	window at the northeasterly corner of the proposed
17	A. Yes.	17	building.
18	This plan is entitled: "Site Layout	18	Q. So, Mr. Missey, in Mr. Wostbrock's
19	Plan, Proposed Quick Service Restaurant, Block 6,	19	report of January the 18th, 2023, specifically
20	Lot 17.02, Midland Park, Bergen County, New Jersey,"	20	Paragraph 3 on page 4, he states that:
21	with an initial issue date of November 2nd of 2021,	21	"The removal of this curb cut on Godwin
22	and a most recent revision date of March 20th of	22	would eliminate an existing nonconforming
	2023.	23	condition by eliminating one of the driveways
23		A 4	
24	It's a three-sheet site plan set.	24	close to each other on Godwin Avenue."
	It's a three-sheet site plan set.Q. Mr. Missey, at the last hearing you had	24 25	Do you concur with that statement?
24	It's a three-sheet site plan set.		

ect? at is correct. d you also testified as to the uilding, itself, and its location. at's correct. sed upon the testimony you provided, ion has not been modified as far concerned. hat correct? has not. It remains in conformance he setback. ause of the latest of the evening decided that it was best to stop got into more of what is being ite improvements on the property. what I would like you to do, without and A, is to give us an overview of al as it pertains to the building, ss and egress as proposed to the the like? tainly. begin with the building, itself. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812 16 a Taco Bell. It will be 25 feet in 80 feet in length, with a indow located on its easterly side. at drive-through window will face Rea building, the office building, across e-through, itself, will be lar manner to the way that the hip drive-through was accessed, that rior aisle way. the egress drive that the bank had oposed to be eliminated now. with the elimination of that egress Avenue, the movement will continue hape to arrive at the drive-through theasterly corner of the proposed Mr. Missey, in Mr. Wostbrock's the 18th, 2023, specifically ige 4, he states that: e removal of this curb cut on Godwin ate an existing nonconforming eliminating one of the driveways other on Godwin Avenue." concur with that statement? CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

		1	
	17		19
1	A. I do. I do.	1	That is at the internal side of the
2	Q. So from a planning perspective, and a	2	cell tower compound, immediately to the north of the
3	site plan perspective, this would eliminate a	3	adjacent I forget what type of business that is.
4	nonconformity and eliminate the issue of two driveway	4	Pool supplies possibly.
5	two driveway curb cuts that close to each other?	5	VICE CHAIRMAN PAPAPIETRO: Barbershop.
6	A. That's correct.	6	MR. MISSEY: Barbershop.
7	Q . Please proceed.	7	Thank you.
8	A. With this with this configuration as	8	Barbershop and a nail shop.
9	we're proposing on the southeasterly corner of this	9	That vehicle will pull into the space
10	site, there will be 171 parking spaces on the site.	10	from Godwin Avenue and make its off-loading, which I
11	So that will conform to the parking	11	believe takes 45 minutes to an hour, twice a week.
12	requirement under the current code. The code	12	And then will make the movement within
13	requirement is 167 spaces.	13	the site back to Godwin Avenue, either directly
14	We will increase the greenery by	14	through the central ingress/egress drive or to the
15	1,580 square feet. It will still be a nonconforming	15	Erie Avenue egress drive.
16	condition, but we are making the condition better	16	Q. So there was some concern about an
17	than its present nonconformity of 83.6 percent.	17	early delivery with a back-up of a truck and the
18	Q. And that greenery that exists there now	18	noise that a commercial vehicle makes in doing
19	has been previously approved by a site plan approved	19	backing up.
20	by this borough in the past with the CVS, isn't that	20	Am I correct in saying that based on
21	correct?	21	this revision now this truck would not have a
22	A. That's correct, yes.	22	necessity to back up?
23	Q. Please proceed.	22	A. There is no need to back up with this
23	A. The drive-through, itself, will be	23	configuration.
2 4 25		24	Q. Thank you.
25	12 feet in width, with the standard counterclockwise LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	23	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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	18		20
1	18 movement so that the driver faces the pickup window	1	20 Please proceed
1	movement so that the driver faces the pickup window.	1	Please proceed.
2	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in	2	Please proceed.A. Our soil moving quantities are not
2 3	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in total and the site plan depicts those 11 vehicles	2 3	Please proceed.A. Our soil moving quantities are not significant.
2 3 4	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in total and the site plan depicts those 11 vehicles queued up with and will stack six vehicles to	2 3 4	Please proceed.A.Our soil moving quantities are notsignificant.To remove the existing bank building
2 3 4 5	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in total and the site plan depicts those 11 vehicles queued up with and will stack six vehicles to the menu board.	2 3 4 5	Please proceed. A. Our soil moving quantities are not significant. To remove the existing bank building and to configure the drive-through, as we proposed,
2 3 4 5 6	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in total and the site plan depicts those 11 vehicles queued up with and will stack six vehicles to the menu board. We have shifted the deliveries the	2 3 4 5 6	Please proceed.A.Our soil moving quantities are notsignificant.To remove the existing bank buildingand to configure the drive-through, as we proposed,requires 96 cubic yards of cut and 268 cubic yards of
2 3 4 5 6 7	movement so that the driver faces the pickup window. The drive-through stacks 11 vehicles in total and the site plan depicts those 11 vehicles queued up with and will stack six vehicles to the menu board. We have shifted the deliveries the delivery space location to a location adjacent to the	2 3 4 5 6 7	Please proceed.A.Our soil moving quantities are notsignificant.To remove the existing bank buildingand to configure the drive-through, as we proposed,requires 96 cubic yards of cut and 268 cubic yards offill for a total import of 172 cubic yards.
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	21		23
1	refuse areas are going to be.	1	deciduous trees on Rea.
2	Q . Just to go back to utilities for one	2	We are proposing to remove one
3	moment, just to stipulate. All the utilities are	3	deciduous tree at the corner closest to Godwin Avenue
4	underground, correct?	4	so that the new facility the new building has more
5	A. All of them, yes.	5	visibility from Godwin.
6	Q. Thank you.	6	We are screening the drive-through with
7	A. We will be moving the electric	7	a yew hedge. And we continue to propose additional
8	underground as well. That's an important point.	8	screening at this northeasterly corner (indicating),
9	Originally when I appeared here in	9	which will consist of arborvitae and a yew hedge with
10	March, our dumpster area for this Taco Bell facility	10	hollies, junipers at the islands and around the
11	was proposed in the northeasterly corner of this	11	building foundation where space permits.
12	easterly side of the site.	12	That's in this vicinity (indicating).
13	As a consequence of reports from, I	13	I'm pointing to the exhibit.
14	believe, the construction official, we re-evaluated	14	Lighting-wise, we are going to reuse
15	where that might best be located and have selected a	15	two existing fixtures that were recently upgraded
16	location immediately to the west of the cell tower	16	with the LED fixtures as part of the CVS project. We
17	compound. And I've prepared an exhibit that	17	are going to relocate one of those fixtures and
18	illustrates that.	18	construct two new fixtures that will be illuminating
19	MR. WHITAKER: We'll mark this Exhibit	19	the drive-through.
20	A-6.	20	So we are proposing two new lights,
21 22	It's not on your list yet.	21 22	retrofitting one, and reusing two other fixtures.
22	(Whereupon, Revised Site Plan	22	These will be the 20-foot-tall shoebox fixtures that
23 24	Rendering, Prepared by Lapatka Associates, is received and marked as Exhibit A-6 for	23	are presently on the site to serve the CVS activities (indicating).
25	identification.)	25	I guess, is this a good time to go
20	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812		201-641-1812
	22		24
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1 2	MR. MISSEY: I can hand out copies, if you wish?	1	through the zoning? Q. We'll do that in a moment.
2	you wish?	2	Q. We'll do that in a moment.
2	you wish? MR. WHITAKER: Yeah, let's do that.	2 3	Q. We'll do that in a moment.A. Okay.
2	you wish? MR. WHITAKER: Yeah, let's do that. MR. MISSEY: Did everybody get one?	2 3 4	 Q. We'll do that in a moment. A. Okay. Q. In connection with the lighting, just a
2 3 4 5	you wish? MR. WHITAKER: Yeah, let's do that. MR. MISSEY: Did everybody get one? What I've just handed out is an	2 3 4 5	 Q. We'll do that in a moment. A. Okay. Q. In connection with the lighting, just a stipulation, is that the question came up at the last
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 MR. WHITAKER: Yeah, let's do that. MR. MISSEY: Did everybody get one? What I've just handed out is an 11-by-17 rendering of, basically, the layout that's on our site plan, exactly the site over to theimmediately west of the cell tower compound. It will continue to be fenced. It will consist of a concrete apron. And there will be dedicated areas for the Taco Bell waste stream. Q. Okay. Let's talk about then moving ahead with the landscaping aspects of the site. We're adding what you call "green space" to what exists there now? A. Yes. Q. Is it correct to say that that additional 1,500-plus square feet will also be incorporated with a landscape aspect? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 Q. We'll do that in a moment. A. Okay. Q. In connection with the lighting, just a stipulation, is that the question came up at the last meeting as it pertains to the hours of that lighting. And that lighting would be in accordance with the lighting that exists there now and the hours that are operated for any of the other businesses. So the town previously approved that lighting and the times the lighting would be on, and this building would just conform to CVS or anybody else that's there. So that's the answer to that question. Okay. Please proceed now with the zoning. A. Okay. The site plan before you has an extensive chart or table regarding the zoning. We, in this instance, compared the B-3 retail requirements to, number one, the prior approved plan, because that's what's being constructed now, as well

6 of 24 sheets

1 With respect to the front yard on 2 Godwin Avenue, we are taking a nonconforming 3 condition for the present bank building and making that conforming. It will have a setback of 33 feet 4 5 on Godwin Avenue, where it's 7.6 feet now, and 6 32 feet for Rea Avenue, where it's 7.2 feet now. 7 All other buildings on this site do now 8 conform to the setback requirements for front yard. 9 For the side yard, our side yard for 10 the Taco Bell will be 22-and-a-half feet. The rear 11 yard will be 134 feet. 12 The building height is not significant. 13 It will be 25-and-a-half feet in height in a zone 14 that allows a building to be 36 feet. 15 Building coverage will actually be 16 reduced somewhat. It will go from about 20 percent 17 now to 19 percent, because the Taco Bell will be 18 smaller in footprint. 19 The proposed improved lot coverage will 20 be improved, but it will not conform to the 21 75 percent lot coverage requirement. It's 83.6 22 percent now. Under this proposal it will be 82.6. 23 The minimum setback for improved lot 24 coverage is supposed to be 5 feet. Right now it's 25 about 6. And under our proposed conditions, it will LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812 26

1 be 5 feet. 2 We will have 171 parking spaces, where 3 right now 180 exist. Under the current code, 167 4 spaces are required. 5 Our drive-through queue length will be 6 in conformance with the requirement of 150 feet. In 7 fact, here it will be 153 feet. 8 And our parking setbacks will be 9 improved. The prior approved plan had 5 feet along 10 Godwin, 5 feet for the side yard along Rea, and 11 12 feet for the rear yard. 12 In the case of this Taco Bell, we're 13 really just talking about the one handicap space 14 which will conform to all those setback requirements 15 in this zone. 16 The distance to the intersection will 17 be improved. The minimum exit driveway distance to 18 an intersection will be improved or not be changed 19 from the conditions, current conditions, as will the distance between driveways. There is a nonconforming 20 21 condition right now. 22 By eliminating the Godwin Avenue 23 egress, we will eliminate that nonconformity. 24 The buffer width for parking area will 25 be 6 feet, where it's 5 feet now. And we will LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

continue to have a loading space. 1 2 So zoning-wise, the bulk requirements 3 of the B-3 Zone will be met. We're here at the 4 Zoning Board, as has been mentioned previously, due 5 to the fact that we're proposing a quick service 6 restaurant with a drive-through. 7 O. So the overall development of the bank 8 and the CVS shopping center, we'll call it, had been 9 previously approve by the Planning Board. 10 Certain variances or nonconformities 11 were approved during the course of that process and 12 that land use application, but it's correct to say 13 that the nonconformities from a bulk standpoint, 14 those are now eliminated by virtue of this proposal? 15 Α. Yes. 16 Q. The building, itself, that was 17 previously approved is reduced in size? 18 Yes. Α. 19 Q. The green space is increased? 20 Α. Yes. 21 Q. The nonconformity pertaining to 22 setbacks that exists there now are eliminated? 23 Α. Yes 24 Q. The curb cut that has been called out 25 as nonconforming is no longer in -- will no longer be LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812 28 1 in existence? 2 Α. That's correct. 3 Q. And the landscaping that's there and 4 previously approved will now, in fact, be increased? 5 Α. That's correct. That's correct. 6 Q. I'd like to turn your attention to Mr. Wostbrock's report, just to address some of the 7 observations that he made. 8 9 Do you have a copy of his January 18th 10 report? 11 Α. I do.

27

12 I'm grabbing it now. Okay, I'm there. 13 Q. Okay. So the comments that he makes 14 really begin on four concerning site plan layout, 15 page 4. 16 And the first one is no longer relevant 17 because you revised the loading space area, correct? 18 Α. That's correct. 19 Q. Okay. 20 The second paragraph basically is an 21 observation, nothing that would be required to make 22 amendments to the plan. 23 Isn't that correct?

24 A. That's correct.

Q. Number 3 has now been removed, so *LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*

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		29		31
1	that's no long		1	A. It's probably a mislabel on our part.
2		You just testified to that?	2	It's an awning.
3	А.	Yes.	3	Q. So awning or canopy, it's just over
4	Q.	Okay.	4	that area where the service is?
5	-	The next observation is that the board	5	A. That's correct.
6	should consid	der requiring an easement for road	6	Q. The next comments made pertain to
7		poses for the benefit of the Borough on	7	utilities. I believe you have covered all of them.
8	Rea Avenue.		8	You have testified that the utilities are all
9		And we have no objection to that,	9	underground?
10	correct?		10	A. Yes.
11	А.	That's correct.	11	Q. And you have testified that those that
12	Q.	So we will stipulate, if the Borough	12	are aboveground now are being rerouted underground,
13		t we will provide it.	13	correct?
14		mber 5 which is the refuse area,	14	A. Correct.
15		hanged so that's no longer relevant,	15	Q. Now, as far as stormwater improvements
16	correct?	······g	16	are concerned, you have testified to that in
17	A.	Yes.	17	connection with his observations, correct?
18	Q.	Okay.	18	A. Yes.
19	ч.	Demonstrating the screening between the	19	And we have also on I tem 4 in that same
20	drive-throug	h and the street that will block the view	20	area simplified the layout of the utilities so that
21	5	. Can you show that again? Because I	21	there is a sufficient clearance and to decongest the
22		stified to it very briefly as to the	22	underground space for those elements.
23	hedgerow.		23	Q. After that we get to landscape and
24		Would you testify where that will be?	24	lighting. You have to testified to the landscaping
25	А.	Yes.	25	aspect. We've stipulated that there will be
		RA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
		201-641-1812		201-641-1812
		30		32
1		I'm going to point to the exhibit that	1	irrigation?
2	was handed	out. Those plantings will be 3-and-a-half	2	A. Yes.
3	feet in heig			
4	reet in noig	ht at maturity, planted all along the	3	Q. The plan to be updated in accordance
4		ht at maturity, planted all along the enue side of the drive-through activity	3 4	Q. The plan to be updated in accordance with the streetscape ordinance, that's the
4 5				
_	Godwin Ave		4	with the streetscape ordinance, that's the
5	Godwin Ave area.	enue side of the drive-through activity	4	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if
5 6	Godwin Ave area. Q.	enue side of the drive-through activity	4 5 6	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already.
5 6 7	Godwin Ave area. Q. planting? A.	enue side of the drive-through activity And what will their height be at	4 5 6 7	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated
5 6 7 8	Godwin Ave area. Q. planting? A.	enue side of the drive-through activity And what will their height be at At planting, they will be about	4 5 6 7 8	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of
5 6 7 8 9	Godwin Ave area. planting? A. 2-and-a-ha Q.	enue side of the drive-through activity And what will their height be at At planting, they will be about If feet in height.	4 5 6 7 8 9	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is
5 6 7 8 9 10	Godwin Ave area. planting? A. 2-and-a-ha Q.	enue side of the drive-through activity And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's	4 5 6 7 8 9 10	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do.
5 6 7 8 9 10 11	Godwin Ave area. planting? A. 2-and-a-ha Q.	enue side of the drive-through activity And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights.	4 5 6 7 8 9 10 11	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a
5 6 7 8 9 10 11 12	Godwin Ave area. planting? A. 2-and-a-ha Q. required for	enue side of the drive-through activity And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct?	4 5 6 7 8 9 10 11 11 12	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct?
5 6 7 8 9 10 11 12 13	Godwin Ave area. planting? A. 2-and-a-ha Q. required for A.	enue side of the drive-through activity And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct.	4 5 6 7 8 9 10 11 11 12 13	 with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct.
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5 6 7 8 9 10 11 12 13 14 15	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A.	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes.	4 5 6 7 8 9 10 11 12 13 14 15	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission.
5 6 7 8 9 10 11 12 13 14 15 16	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q.	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay.	4 5 6 7 8 9 10 11 12 13 14 15 16	 with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6
5 6 7 8 9 10 11 12 13 14 15 16 17	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q. South side of	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay. There's an access door that's on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17	<pre>with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6 on page 5, that if there's any necessity to modify</pre>
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q. South side of architectural	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay. There's an access door that's on the the building that's on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6 on page 5, that if there's any necessity to modify the lighting after it's installed, we will do that. That's the Condition Number 6.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q. South side of architectural plan yet?	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay. There's an access door that's on the the building that's on the plans. Have you shown that on the site	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6 on page 5, that if there's any necessity to modify the lighting after it's installed, we will do that. That's the Condition Number 6. A. Yes.</pre>
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q. south side of architectural plan yet? A. Q.	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay. There's an access door that's on the the building that's on the plans. Have you shown that on the site We have, yes. Okay. Number 8, canopy, has that been shown? proposed over the service entrance on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6 on page 5, that if there's any necessity to modify the lighting after it's installed, we will do that. That's the Condition Number 6. A. Yes. Q. Okay. The next aspect pertains to architectural plans, which is not what Mr. Missey is
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Godwin Ave area. Q. planting? A. 2-and-a-ha Q. required for A. Q. A. Q. A. Q. South side of architectural plan yet? A. Q. A. C. A. Q. South side of architectural plan yet? A. Q.	And what will their height be at At planting, they will be about If feet in height. And that's basically the height that's reduction of light from headlights. Isn't that correct? That's correct. The standard? Yes. Okay. There's an access door that's on the the building that's on the plans. Have you shown that on the site We have, yes. Okay. Number 8, canopy, has that been shown? proposed over the service entrance on the	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 with the streetscape ordinance, that's the stipulation we made at the last meeting. It will, if it's not already. Lighting controls, I just stipulated to. That's Number 4 on page 5. That the hours of operation will follow the format of what CVS is permitted to do. We're going to, Mr. Missey, provide a lighting analysis at a future meeting, correct? A. That's correct. We've had it prepared, but it did not get to us prior to the date for resubmission. Q. And we have stipulated to Paragraph 6 on page 5, that if there's any necessity to modify the lighting after it's installed, we will do that. That's the Condition Number 6. A. Yes. Q. Okay. The next aspect pertains to architectural plans, which is not what Mr. Missey is testifying to.

	55		55
1	to Mr. Wostbrock's report of January the 20th.	1	slight pitch in that property. You mentioned the
2	Mr. Missey, is there any detail that	2	height of the shrubs may be up to 3 feet.
3	still needs to go over, or did we cover everything?	3	MR. MISSEY: Yes.
4	A. Let me check everything.	4	VICE CHAIRMAN PAPAPIETRO: Is that
5	Q . Excuse me. The January 18th report,	5	going to be sufficient to cover and taking into
6	not 20th.	6	account the pitch of the property and as well as
7	A. There is not.	7	higher vehicles.
8	It's not a complicated site plan	8	MR. MISSEY: I believe so.
9	presentation because this is an existing site with an	9	I think's why we selected those
10	existing building in this location which also was	10	particular shrubs.
11	served by a drive-through.	11	MR. WHITAKER: So we could stipulate
12	So I'm not trying to shortchange	12	that the height of the shrub would be subject to the
13	anything. There's just not a whole lot to talk about	13	engineer specifying it based on the site conditions
14	to you.	14	that are required to eliminate that concern.
15	MR. WHITAKER: As I've stated, as far	15	VICE CHAIRMAN PAPAPIETRO: Yeah.
16	as the parking or the traffic aspect, that will be	16	MR. WHITAKER: No problem.
17	done with our traffic expert. We'll have a report.	17	I think that really becomes a site
18	We'll get a copy to Serge also and go through it at	18	aspect when the grading is done and they're looking
19	next meeting, then architectural and planning.	19	before they put the shrubs in to say, okay,
20	So that concludes our direct	20	2-and-a-half feet doesn't work, it needs to be
21	presentation at this time.	21	3 feet, 3-and-a-half, or whatever. Whatever it
22	CHAIRMAN ANDERSEN: Board questions?	22	requires.
23	(No Response.)	23	So we would stipulate as a condition
24	CHAIRMAN ANDERSEN: No? Yes?	24	that the shrubbery would be of a caliber and height
25	VICE CHAIRMAN PAPAPIETRO: Just a	25	that would eliminate the concern pertaining to
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	couple for clarification.	1	blinding, the word you used.
2	Number one, you mentioned the	2	VICE CHAIRMAN PAPAPIETRO: One more
3	drive-through stacks 11 vehicles for stacking.	3	question or observation.
4	What type of vehicles are you	4	This came up at the last meeting,
5	considering in there?	5	Where your stacking goes, and you're proposing now
6	Cars come in all different sizes.	6	the dumpster to be, I guess, behind this cell tower,
7	You've got monster trucks. You have tiny cars.	7	near there.
8	So what type of vehicle is in your	8	And during busy times, the chances are
9	analysis that come up with 11.	9	you're going to have cars stacked in the parking lot,
10	MR. MISSEY: It's roughly 22 feet	10	and then you have parking over there. Okay.
11	between vehicles.	11	It may interfere with people coming
12	So it's a vehicle that is 8-foot in	12	into the lot as well as backing out of the existing
13	width by somewhere around 18 feet in length, possibly	13	parking spaces, or trying to get into those spaces
14	a little smaller. A standard passenger vehicle from	14	where you have stacking proposed.
15	AASHTO.	15	MR. WHITAKER: So that, our traffic
16	VICE CHAIRMAN PAPAPIETRO: Okay.	16	expert is going to testify to.
17	The other question I had, you addressed	17	VICE CHAIRMAN PAPAPIETRO: Okay.
18	part of it, the I'm concerned about in the	18	That's all I have.
19	drive-through lane when cars are stacking,	19	CHAIRMAN ANDERSEN: Anybody else?
20	particularly in Lots 6, 7 6 and 5, especially at	20	MR. PLACIER: No.
21	night as cars are proceeding west on Godwin Avenue.	21	He answered pretty much.
22	You mentioned there's going to be some	22	CHAIRMAN ANDERSEN: Okay.
23	shrubs there. I'm concerned about potential blinding	23	Rich?
24	oncoming drivers heading towards the shopping center.	24	MR. WOSTBROCK: Certainly.
25	And I believe there's going to be a	25	I'll follow up on the member's comment
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	as far as the screening. Another alternative you	1	conflict with the utility poles and parking stalls 1,
2	could consider is I like the screening of	2	12, 13, 14 in that area?
3	vegetation.	3	MR. WHITAKER: Operational aspect was
4	MR. LANDEL: Let's swear you in.	4	that it would be a pickup bay.
5	Do you swear the testimony you present	5	They will be private pickups, of
6	will be the truth, the whole truth, and nothing but	6	course. And they will the operator will govern
7	the truth?	7	those hours to be off hours when the business is not
8	MR. WOSTBROCK: Yes, I do.	8	open.
9	RICHARD WOSTBROCK, P.E.	9	MR. WOSTBROCK: Mr. Missey, do you see
10	44 Garret Place, Midland Park, New Jersey, having	10	any conflict with the truck maneuvering into those
11	been duly sworn, testifies as follows:	11	spaces?
12	MR. LANDEL: Okay.	12	MR. MISSEY: Not during the off hours,
13	MR. WOSTBROCK: What I was saying is,	13	no.
14	another alternative and I do like the vegetative	14	MR. WOSTBROCK: The loading space is
15	screening better.	15	now roughly 8-by-50, if I remember correctly.
16	It's not going to be just to put a	16	Borough Ordinance requires a loading
17	fence in that just to have a solid visual block.	17	space of 12-by-40. A design waiver would still be
18	But the space is limited. Vegetation	18	needed for that sizing purpose.
19	would be a nicer aesthetic. And to serve the	19	Certainly, you know, we can stipulate a
20	purpose, I think that's just a better option.	20	12-by-40 space in the same general location.
21	MR. WHITAKER: We have no objection to	21	The other concern, or larger concern to
22	either one.	22	me, is its location and the enforcement of off hours
23	MR. WOSTBROCK: I'm just presenting an	23	in the deliveries and pickups I'm sorry
24	option for you.	24	deliveries during off hours.
25	Regarding what was submitted tonight, I	25	That's a concern of an operational
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	38 agree the changes that were made are positive.	1	40 issue, how to mitigate that, because the loading
1 2		1 2	
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2	agree the changes that were made are positive. A couple questions pertaining to them.	2	issue, how to mitigate that, because the loading space is now in the main east/west drive aisle of the
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2 3 4	agree the changes that were made are positive. A couple questions pertaining to them. The grease trap is still in the drive-through lane, and that's typically serviced by a pumper truck or	234	issue, how to mitigate that, because the loading space is now in the main east/west drive aisle of the site. So from Erie Ave to Rea Ave, that's the
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1	41 I don't think the center is very	1
2	operational at that time. It's a 45-minute drop-off.	2
3	That was the testimony.	3
4	MR. WOSTBROCK: I believe you I'm	4
5	just skimming through my notes. I believe you've	5
6	covered my other notes that I was taking as I was	6
7	listening.	7
8	Yes. Thank you.	8
9	CHAIRMAN ANDERSEN: Okay. I know he	9
10	didn't testify to any planning, but I don't want to	10
11	cut you off.	11
12	Do you have any questions?	12
13	MR. BEHRENS: Sure, I do have a	13
14	question.	14
15	MR. LANDEL: Please raise your right	15
16 17	hand.	16 17
18	Do you swear the testimony you're about to give will be the truth, the whole truth, and	17
19	nothing but the truth?	19
20	MR. BEHRENS: For the record, I'm Tom	20
21	Behrens, filling in for Dave Novak.	21
22	THOMAS BEHRENS, P.P.	22
23	25 Westwood Avenue, Westwood, New Jersey, having	23
24	been duly sworn, testifies as follows:	24
25	MR. BEHRENS: A few of my questions	25
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	42	
1	have been answered. I did have a concern about the	1
2	adequacy of landscaping, which will be addressed.	2
3	But to that point, the headlights as	3
4	they pick up the food facing, I guess, in an easterly	4
5 6	direction toward the adjacent residential property at Block 15.01, is the landscaping adjacent to parking	5 6
7	stalls 91 and 92, for instance, adequate to shield	7
8	the constant headlights that will be shining in that	8
9	direction from the residential property?	9
10	MR. MISSEY: Yes.	10
11	There's an existing evergreen row in	11
12	that vicinity.	12
13	It's matured.	13
14	MR. BEHRENS: Of what height would you	14
15	say, approximately?	15
16	MR. MISSEY: At least 25 feet in	16
17	height.	17
18 10	MR. BEHRENS: So it's adequate, you	18 19
19 20	would say. MR. MISSEY: I would think so, yes.	20
20	MR. BEHRENS: Have the locations and	20
22	mechanical equipment been provided at this point.	22
23	MR. MISSEY: That would be the	23
24	architect.	24
25	MR. BEHRENS: I assume they're on the	25
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1	building rooftop.
2	MR. MISSEY: Yes.
3	MR. BEHRENS: The menu board appears to
4	be positioned facing Godwin Avenue.
5	Is the menu board an electronic or
6	digital menu board.
7	MR. MISSEY: That's operations.
8	MR. WHITAKER: Yeah.
9	The architect will testify to that.
0	MR. BEHRENS: So the dimensions of that
11	
12	sign have been provided.
	MR. WHITAKER: Yes.
13	They're on the architectural plan.
14	MR. BEHRENS: I understand.
15	I guess my point is whether or not that
6	presents a visual impact to Godwin Avenue, having an
17	electronic digital board that again faces the street
8	of a certain size, and whether or not that screen
19	will change in appearance periodically, as they often
20	do these days.
21	So if someone can answer that question
22	at some point?
23	Finally, there was talk about potential
24	road widening. And the question is whether or not
25	that would impact any of the now conforming setbacks,
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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1	if those would become nonconforming.
2	MR. WHITAKER: The suggestion is we
3	still have ownership. It's just an assessment.
4	Mr. Wostbrock suggested it.
5	MR. WOSTBROCK: They did consider
6	included in their setbacks
7	MR. WHITAKER: The county.
8	MR. WOSTBROCK: the 5 feet.
9	MR. BEHRENS: So you're satisfied?
0	
	MR. WOSTBROCK: Yes.
1	MR. WOSTBROCK: Yes. MR. BEHRENS: Those are my questions
	MR. BEHRENS: Those are my questions
2	MR. BEHRENS: Those are my questions for now.
12	MR. BEHRENS: Those are my questions for now. Thank you.
2 3 4	MR. BEHRENS: Those are my questions for now. Thank you. CHAIRMAN ANDERSEN: Before we open to
12 13 14 15	MR. BEHRENS: Those are my questions for now. Thank you. CHAIRMAN ANDERSEN: Before we open to the public, does anybody have any new questions?
12 13 14 15 16	MR. BEHRENS: Those are my questions for now. Thank you. CHAIRMAN ANDERSEN: Before we open to the public, does anybody have any new questions? MR. CAPALBO: Yes.
12 13 14 15 16 17	MR. BEHRENS: Those are my questions for now. Thank you. CHAIRMAN ANDERSEN: Before we open to the public, does anybody have any new questions? MR. CAPALBO: Yes. I have a question regarding the
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	45		47
1	the testimony and then designed the delivery spot for it, WB-40.	1	parking lot and all the buildings. MR. WOSTBROCK: I wasn't involved in
2 3	MR. MISSEY: Yes.	3	that application.
3 4	It's a WB-40 design vehicle. So it's a	4	It was at the Planning Board.
	not a full semi. It's shorter.	5	So I guess, Bruce, if I may, are you
6	MR. CAPALBO: Right.	6	stipulating you're going to meet Borough Ordinance
7	The refrigeration unit is separate from	7	MR. WHITAKER: Of course.
8	the cab. The reason I'm asking, I remember my	8	MR. WOSTBROCK: or the approval of
9	experience with transportation that they had reefer	9	CVS.
10	units, and the reefer motor was louder than the truck	10	MR. WHITAKER: Yeah, we'll meet the
11	motor.	11	Borough Ordinance, or if it's more constrained in the
12	MR. WHITAKER: I didn't know that	12	approval from the Planning Board, we will meet that
13	but	13	constraint.
14	MR. CAPALBO: I was just wondering.	14	MR. LANDEL: I just wanted the hours
15	MR. WHITAKER: So this is a WB-40.	15	for the record.
16	MR. CAPALBO: It's self-contained.	16	If it's 24 hours, I just want to know.
17	MR. WHITAKER: Yes, self-contained.		I don't know what was approved for CVS.
18	MR. CAPALBO: All right.	18	MR. WOSTBROCK: I don't know.
19	Thank you.	19	MR. LANDEL: We need to figure that
20	MR. LANDEL: You commented that the	20	out.
21	hours, I guess, for the light is going to be	21	CHAIRMAN ANDERSEN: If we could.
22	consistent with the CVS.	22	MS. HARMON: I have it right here.
23	What were the approved CVS hours; do	23	CHAIRMAN ANDERSEN: Not now.
24	you know?	24	All right. Anybody?
25	MR. WHITAKER: I don't have that. I	25	(No Response.)
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	46		48
1	looked at the resolution once.	1	CHAIRMAN ANDERSEN: No?
2	I don't know that they actually put	2	Then motion to open it to the public.
3	hours in it. But there's an ordinance, I think. An	3	VICE CHAIRMAN PAPAPIETRO: Motion.
4	hour after operation, isn't it?	4	MR. PLACIER: Second.
5	MR. LANDEL: Yeah. That's the	5	MS. HARMON: Mr. Papapietro?
6	suggestion.	6	VICE CHAIRMAN PAPAPIETRO: Yes.
7	I don't know what the hours of	7	MS. HARMON: Mr. Divak?
8	operation are.	8	MR. DIVAK: Yes.
9	MR. WHITAKER: I mean, usually any	9	MS. HARMON: Mr. Placier?
40	business is allowed time after they class to clean up	10	
10	business is allowed time after they close to clean up	-	MR. PLACIER: Yes.
11	and do whatever. It's usually an hour.	11	MS. HARMON: Mr. Barlow?
11 12	and do whatever. It's usually an hour. And our operations person talked about	11 12	MS. HARMON: Mr. Barlow? MR. BARLOW: Yes.
11 12 13	and do whatever. It's usually an hour. And our operations person talked about the hours of operation and that they needed an hour	11 12 13	MS. HARMON: Mr. Barlow? MR. BARLOW: Yes. MS. HARMON: Mr. Eliyah?
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4 1 A. Weil, presumably there's a B-L and a 2 MS. RUZUTO: Diay, 1 just have after brief questions. 2 6 A. Weil, presumably there's a B-L and a 7 C. Do you know whether or not dives:through restaurants are permitted in those 8 A. I don't. 9 Several terms that you treatified to, Mr. Microw that yin boxer resolution in staing the done that yin boxer resolution in staing to nonther of the yes board resolution in staing to continue. 9 11 therefore, they should apply to you another board, and therefore they are allowed to be another board, and therefore a component of this LUMPA CARUCIC C.S.R. R.P. LLC. 2014-1132 2 A. If is not. Darotal and there care - there is one future that was not budget optimism the old mellific { K-light fixture. Arg then we are acomponent of this fixtures which will mark they are allowed for the CVS application. 50 1 A. Weit, Setter they are allowed for the CVS application to the Board board which was are acomponent of this fixtures which will mark the Planning B Board Bproved? 60 2					
2 MS, RIZZUTO: Okay, Just have a few brief questions. 2 B-2 3 CROSS-EXAMINATION Q. Do you know whether or not 4 drive-through restaurants are permitted in those 5 MYS, RIZZUTO: G. Do you know whether or not 6 A. Several lems that you're increasingyou're G. Do you know how many fast-food 7 Mr. Missey, were that you're increasingyou're G. Do you know how many fast-food 9 retying upon that prior board resolution is stating MR. WHITAKER; Irrelevant. 10 This there enery envirously approved and, MR. WHITAKER; Irrelevant. 11 A. Yos. MR. WHITAKER; Irrelevant. 12 Is that correct? MR. WHITAKER; Irrelevant. 13 A. Us now an ochronic specifically? MR. WHITAKER; Irrelevant. 14 A. Yos. MR. WHITAKER; Irrelevant. 15 approved for your application because they're going MR. WHITAKER: I'rs netween the kog 16 A. Us not. MR. WHITAKER: I'rs netween the kog 17 A. It's not. MR. WHITAKER: I'rs netween the kog 18 approved for your application of new or MR. WHITAKER: I'rs netween the kog 19	1	49	1	•	51 Well, prosumably there's a P 1 and a
3 Lipst have a few brief questions. 3 0. Do you know whether or not 4 CR055-KANRATION BY KS. RZZUTO: 6 A. I don't. 6 Q. Several items that you testified to, 7 O. Do you know how many fast-food 7 Q. Do you know how many fast-food 7 C. Do you know how many fast-food 8 decreasing nenconformities, et cetara. And you're 6 A. I don't. 9 Not not far por board resolution in stating 9 MR. WHITAKER: Trelevant. 10 therefore, hey should apply to you 10 Its nothing he testified about the 15 the 20-food-tail lipts. 16 MR. WHITAKER: Trelevant. 16 A. Yes. 16 MR. WHITAKER: Trelevant. 17 Q. That they were previously approved by 16 MR. WHITAKER: Trelevant. 17 Barroed, and therefore they are allowed to be 16 MR. WHITAKER: Trelevant. 18 another barroe a component of this. 16 MR. WHITAKER. 19 another barroe a component of this. 16 MR. WHITAKER. 10					Well, presumably there's a B-1 and a
4 CROSS-EXAMINATION 4 drive-through restaurants are permitted in those 5 BY MS. RIZZUTO: 6 A I don't. 6 Q. Several items that you testified to, 7 Q. Do you know how many fast-food 7 Perking upon that you're increasing you're 6 A I don't. 7 Q. Do you know how many fast-food 7 Q. Do you know how many fast-food 8 Horizon that will be addressed at a later 11 11 11 therefore, they should apply to you perved and, 10 It's notifing the testified about the 12 Is that correct? 13 A In what confext specificatly? 13 A In what confext specificatly? 13 MS. RIZZUTO: That knows, he can 14 Porto-tall lights. 14 nonconforming in the use variance. Um asking if the 14 Data charge component of this LAURA A. CARUCC, C.S.R., R.R.R. L.C. 15 Tor the main there are there is not updated, remains the lot merains 16 MR, MISSEY: Yeah. 16 A Ither are a combination of new or 17 And then it became is that the 16 There are					Do you know whether or not
5 BY MS. RIZZUTO: 6 Q. Several items that you testified to, 7 Q. Do you know how many fast-food 8 decreasing nonconformities, et cetera. And you're 9 Ms. MitSEKP: Irrelevant. 10 that correct? 11 h. In what context specifically? 12 Is that correct? 13 A. In what context specifically? 14 Q. Well, for example, you testified about the 15 the 20-foot-tall lights. 16 A. Yes. 17 Q. That they were previously approved by approved for your application because they're going to continue. 12 Is that correct? 13 A. It is not. 16 Mr. Yes. 17 Q. That they were previously approved by tho you. 18 approved for your application because they're going to continue. MS. RLZAUTO: Thank you. 17 A. The first are a component of this the context. MS. RLZAUTO: Thank you. 16 Mr. MitSEY: I've eath at the Que approved for your application for new or acontomite the area acomponent of this fibre. 16 Vice EndRNAM PAPAPIETRO: A long time. 16 Mr. MitSEY: I've eath		-			
6 Q. Several items that you testified to, 7 Mr. Missey, were that you're increasing you're Q. Do you know how many fast-food 8 restruction is stating 9 9 relying upon that prior board resolution in stating 9 11 therefore, they should apply to you 10 Us notice from the - were previously approved and, therefore they are allowed to be 12 Is that correct? 13 A. In whit corrick spocifically? 14 Q. Well, for example, you testified about the 16 MR. LANDEL: If he knows, he can? 16 A. Yos. 16 MR. LANDEL: If he knows, he can? 17 Q. That they were previously approved by 16 MR. WHITAKER: It's an therefore they are allowed to be 18 approved for your application because they're going 10 MR. WHITAKER: It's not relevant to his 19 at this not. MR. WHITAKER: It's not relevant to his 20 21 But you are changing those lights. 21 MR. MISSEY: Yeeh. 22 Is that correct? 23 A. It is not. 23 A. It's not. MR. MISSEY: Yeeh. 24 And there are - therefis cone fixture. MR. MISSEY: Yee					restaurants are permitted in those
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5fixtures which will match what was approved for the CVS application.5Donuts, not the Dunkin' Donuts, the Starbucks.7Q. Are they conforming?That's it.8Not conforming to what the Planning Board approved. Are they conforming to the code, the Borough code?8Q. So what you know about is that there's 99Board approved. Are they conforming to the code, the Borough code?9a Wendy's, there is a Burger King, and there is a 1010Borough code?11A. Yes.12Q. Well, Starbucks.12It's our every intention of ours to conform to the Borough code with respect to lighting.12Q. Well, Starbucks is a coffee shop,14Q. So then it would be your testimony it's not just what the other board did, but you comply anyway for the lighting?14MR. WHITAKER: It's a drive-through. MS. RIZZUTO: I understand.16anyway for the lighting?16MR. MISSEY: Yeah.17A. For this specific partial site plan, I suppose, yes.18BY MS. RIZZUTO:19Q. Okay. All right.19Q. The prohibition is not the prohibition is ont drive-throughs for every use. The prohibition is only for quick service restaurants, is in't that correct, sir?22A. It's the B-3 Commercial Zone. Q. Okay.23CHAIRMAN ANDERSEN: It's for all restaurants.24And how many other B zones are there in town?25MR. LANDEL: Starbucks serves food, LAURA A. CARUCCI, C.S.R., R.P.R., LL.C.	4		4	eaten at the	
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	24	And how many other B zones are there in	24	restaurants.	
	25	town?	25	;	MR. LANDEL: Starbucks serves food,
201-641-1812 201-641-1812		LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.		LAU	RA A. CARUCCI, C.S.R., R.P.R., L.L.C.
		201-641-1812			201-641-1812

		53		5
1	too.		1	It has nothing to do with a site plan
2		MS. RIZZUTO: It's for all restaurants.	2	application.
3		MR. WHITAKER: Yes.	3	CHAIRMAN ANDERSEN: I think that
4		That's what the ordinance says.	4	be more appropriate for when the planner testifies.
5		Starbucks needed a use needed a	5	MS. RIZZUTO: That's fine.
6	variance.		6	CHAIRMAN ANDERSEN: Mr. Missey is
7		CHAIRMAN ANDERSEN: They predated.	7	qualified to answer that.
8		MR. WHITAKER: I was there.	8	MS. RIZZUTO: Okay, that's fine.
9	BY MS. RIZZ		9	That's all I have.
10	Q.	So you count four drive-throughs?	10	CHAIRMAN ANDERSEN: Okay.
11	Α.	I'm not counting I'm not trying to	11	Anybody?
12	enumerate a	all of the drive-throughs in the B-3.	12	First of all, is there anybody here who
13		I'm really specifically speaking about	13	was not here at the last meeting? Okay.
14	this one.		14	Oh, all right. I was hoping I wouldn't
15	Q.	Okay.	15	have to explain this.
16		So on this property, are there any	16	You have two opportunities to speak.
17	-	jh restaurants?	17	This time is to ask questions of this witness, okay?
18	Α.	Well, if this one is approved, there	18	That's all that we're looking for is questions you
19		. The other is a CVS with a	19	want to ask this witness.
20	drive-throu	-	20	After the application is complete,
21	Q.	That's not a restaurant.	21	you'll have another opportunity to speak. And at
22 23	Α.	No.	22	that point, you can just give us your comments,
	think thou	You can buy food in there, But I don'	23 24	whether you think it's wonderful, or awful, or whatever.
24 25	think they	II bring it to the window. CHAIRMAN ANDERSEN: By definition, it's		But at this point, all we want is
25	1	RA A. CARUCCI, C.S.R., R.P.R., L.L.C.	23	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	LAU	201-641-1812		201-641-1812
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1	not a restau	rant.	1	-
1 2	not a restau	rant.	1	questions of this witness. Okay? So do you have a
	not a restau BY MS. RIZZ	rant. MS. RIZZUTO: Thank you.		-
2		rant. MS. RIZZUTO: Thank you.	2	questions of this witness. Okay? So do you have a questions?
2 3	BY MS. RIZZ Q .	rant. MS. RIZZUTO: Thank you. ZUTO:	23	questions of this witness. Okay? So do you have a questions? MS. NG: Well, if it's regarding the
2 3	BY MS. RIZZ Q . two drive-th	rant. MS. RIZZUTO: Thank you. ZUTO: It's my understanding that there are	2 3 4	questions of this witness. Okay? So do you have a questions? MS. NG: Well, if it's regarding the site plan?
2 3 4 5	BY MS. RIZZ Q . two drive-th street in and	rant. MS. RIZZUTO: Thank you. ZUTO: It's my understanding that there are prough restaurants directly across the	2 3 4 5	questions of this witness. Okay? So do you have a questions? MS. NG: Well, if it's regarding the site plan? CHAIRMAN ANDERSEN: Could you co
2 3 4 5 6	BY MS. RIZZ Q . two drive-th street in and	rant. MS. RIZZUTO: Thank you. ZUTO: It's my understanding that there are prough restaurants directly across the other in another park, another strip	2 3 4 5 6	questions of this witness. Okay? So do you have a questions? MS. NG: Well, if it's regarding the site plan? CHAIRMAN ANDERSEN: Could you co forward?
2 3 4 5 6 7	BY MS. RIZZ Q. two drive-th street in and mall or anot A.	rant. MS. RIZZUTO: Thank you. ZUTO: It's my understanding that there are wrough restaurants directly across the other in another park, another strip her site, is that accurate?	2 3 4 5 6 7	questions of this witness. Okay? So do you have a questions? MS. NG: Well, if it's regarding the site plan? CHAIRMAN ANDERSEN: Could you co forward? MR. LANDEL: Please raise your right
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3	CHAIRMAN ANDERSEN: I think that would
ŧ	be more appropriate for when the planner testifies.
5	MS. RIZZUTO: That's fine.
5	CHAIRMAN ANDERSEN: Mr. Missey is not
7	qualified to answer that.
3	MS. RIZZUTO: Okay, that's fine.
à	That's all I have.
,)	CHAIRMAN ANDERSEN: Okay.
, I	Anybody?
1 >	First of all, is there anybody here who
-	
3	was not here at the last meeting? Okay.
1	Oh, all right. I was hoping I wouldn't
5	have to explain this.
) ,	You have two opportunities to speak.
	This time is to ask questions of this witness, okay?
3	That's all that we're looking for is questions you
)	want to ask this witness.
)	After the application is complete,
	you'll have another opportunity to speak. And at
2	that point, you can just give us your comments,
3	whether you think it's wonderful, or awful, or
1	whatever.
5	But at this point, all we want is
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812
	56
	questions of this witness. Okay? So do you have any
<u> </u>	questions?
3	MS. NG: Well, if it's regarding the
1	site plan?
5	CHAIRMAN ANDERSEN: Could you come forward?
5 7	
5	MR. LANDEL: Please raise your right
) \	hand.
,)	Do you swear the testimony you're about
,	to give at the present will be the truth, the whole
	truth, and nothing but the truth?
<u> </u>	MS. NG: Yes.
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3	MS. NG: It's Karen Ng. The last name
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, ,	MR. LANDEL: Thank you.
1 >	MS. NG: So the question I had really
2	had to do with the signage, which I don't know if
3	MR. WHITAKER: We'll have testimony on
1	that at another meeting.
5	MS. NG: I'm just concerned with
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812

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1	signage on Rea Avenue.	1
2	CHAIRMAN ANDERSEN: They're going to	2
3	have an architect testify	3
4	MS. NG: So that's different.	4
5	CHAIRMAN ANDERSEN: as to signage.	5
6	Yes, yes.	6
7	MS. NG: Okay.	7
8	Then we just looked up CVS. It's open	8
9	until 10:00.	9
10	CHAIRMAN ANDERSEN: 10:00.	10
11	Thank you.	11
12	MR. LANDEL: 10 o'clock, she said.	12
13	CHAIRMAN ANDERSEN: 10:00.	13
14	MR. WHITAKER: So we're talking about	14
15	our lighting would be not lighting will stay	15
16	I'll look back at CVS.	16
17	The question was, we've already	17
18	testified as to what our hours of operation are.	18
19	CHAIRMAN ANDERSEN: That's what I said.	19
20	You're going to be open a lot more than CVS is.	20
21	MR. WHITAKER: But we'll also check to	21
22	see what the CVS is, if there's any condition in	22
23	their resolution.	22
23	CHAIRMAN ANDERSEN: Jess is going to	23
25	get to the	25
25	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.	23
	201-641-1812	
	58	
1	MR. LANDEL: We'll check that	1
1 2	MR. LANDEL: We'll check that ourselves.	1 2
2	ourselves.	2
2 3	ourselves. MR. WHITAKER: We will have it.	23
2 3 4	ourselves. MR. WHITAKER: We will have it. CHAIRMAN ANDERSEN: Okay.	2 3 4
2 3 4 5	ourselves. MR. WHITAKER: We will have it. CHAIRMAN ANDERSEN: Okay. Anybody else have any questions?	2 3 4 5
2 3 4 5 6	ourselves. MR. WHITAKER: We will have it. CHAIRMAN ANDERSEN: Okay. Anybody else have any questions? (No Response.)	2 3 4 5 6 7 8
2 3 4 5 6 7	ourselves. MR. WHITAKER: We will have it. CHAIRMAN ANDERSEN: Okay. Anybody else have any questions? (No Response.) CHAIRMAN ANDERSEN: Seeing none, motion	2 3 4 5 6 7 8 9
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2 3 4 5 6 7 8 9 10 11 12	ourselves. MR. WHITAKER: We will have it. CHAIRMAN ANDERSEN: Okay. Anybody else have any questions? (No Response.) CHAIRMAN ANDERSEN: Seeing none, motion to close. MR. PLACIER: Motion to close. MR. DIVAK: Second. MS. HARMON: Mr. Papapietro? VICE CHAIRMAN PAPAPIETRO; Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14
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2	So we have an announcement to carry it
3	to 7:30 on May 10th.
4	CHAIRMAN ANDERSEN: Do we do it by
5	motion to carry it.
6	MR. LANDEL: We're still within the
-	
7	timeframe.
8	MR. WHITAKER: Yes, we are.
9	MR. LANDEL: Yeah.
10	We'll just make the announcement to
11	notice the continuation to the next meeting.
12	CHAIRMAN ANDERSEN: The next when is
13	it, May what, the 10th?
14	The next meeting, May 10th, they're
15	going to have additional witnesses. You will not get
16	
-	another notice. This is your notice that we're going
17	to be here May 10th.
18	If you know other people who want to
19	come, let them know. You're not nobody is going
20	to get any more notices, okay? Okay.
21	MR. WHITAKER: Thank you for your time
22	this evening.
23	(Whereupon, this matter will be
24	continuing at a future date. Time noted:
25	8:27 p.m.)
<u> </u>	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812
-	60
1	CERTIFICATE
	CERTIFICATE
2	
3	I, RONDA L. REINSTEIN, a Certified Court
4	Reporter of the State of New Jersey, authorized to
5	administer oaths pursuant to R.S.41:2-2, do hereby
6	certify that the foregoing is a true and accurate
7	transcript of the testimony as taken stenographically
8	by and before me at the time, place and on the date
9	herein before set forth, to the best of my ability.
10	I DO FURTHER CERTIFY that I am neither a
11	relative nor employee nor attorney nor counsel of any
12	of the parties to this action, and that I am neither
13	a relative nor employee of such attorney or counsel,
14	and that I am not financially interested in the
15	action.
16	
17	
18	
19	
20	
21 22	
22	.) . (
23	Ronda L. Reinstein
24	
<u></u>	RONDA L. REINSTEIN, CCR No. 30X100217800
25	
	LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
	201-641-1812
f 69	04/27/2023 08:02:01 AM

presentation this evening.

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0	2023 [6] - 1:2, 4:17,	5:00 [1] - 18:13	16:9	47:21, 47:23, 48:1,
0	6:12, 9:24, 14:23,	5th [1] - 6:22	accommodate [1] -	48:18, 48:22, 48:25,
07054 [1] - 2:8	16:19		18:9	52:23, 53:7, 53:25,
07446 [1] - 2:5	20th [5] - 6:12, 9:24,	6	accordance [2] - 24:8,	54:10, 54:18, 55:3,
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