

BOROUGH OF MIDLAND PARK – ZONING BOARD OF ADJUSTMENT MINUTES

July 12, 2023

PLEASE TAKE NOTE:

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

Attendance by Board Professionals: P. Ercolano, Acting Engineer; D. Siss, Acting Attorney; D. Novak, Planner; F. Dobiszewski, Traffic Consultant

Minutes of the 3/8/23, 3/29/23, 5/10/23, and 6/14/21 meetings - approved

PUBLIC HEARINGS

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

RESOLUTIONS

None.

CLOSED SESSION

Discussion of Appointment of New Board Attorney – Motion to go into closed session made by Mr. Papapietro at 9:43 PM. Seconded by Mr. Placier, all voted in favor.

There being no further business to discuss, the Board adjourned the closed session at 9:49 PM and resumed the regular meeting.

Meeting Adjourned – 9:54 PM
Jessica Harmon

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BOROUGH OF MIDLAND PARK

ZONING BOARD OF ADJUSTMENT

WEDNESDAY, JULY 12, 2023

7:30 P.M.

IN THE MATTER OF:

APPLICATION OF

MHF MIDLAND PARK, LLC/

TACO BELL -

80 GODWIN AVENUE,

BLOCK 6, LOT 17.02.

TRANSCRIPT OF

PROCEEDING

B E F O R E:

LES ANDERSON, CHAIRMAN

NICK PAPAPIETRO, VICE CHAIRMAN

RICHARD FORMICOLA, SECRETARY (ABSENT)

DAVID BARLOW, MEMBER

JAMES CAPALBO, MEMBER

WILLIAM PLACIER, MEMBER

MARK DIVAK, MEMBER (ABSENT)

JOSEPH ELIYA, MEMBER

DAVID ZUIDEMA, MEMBER

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

CERTIFIED COURT REPORTERS

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

201-641-1812

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I N D E X

WITNESS

SWORN

TESTIMONY

ANDREW H. MISSEY, P.E.

7

Direct Examination by Mr. Whitaker

7

Cross-Examination by Ms. Rizzuto

14

Board/Professional Questions

Vice Chairman Papapietro

18

GARY DEAN, P.E., P.P.

20

Voir Dire Examination by Mr. Whitaker

20

Direct Examination by Mr. Whitaker

23

Cross-Examination by Ms. Rizzuto

90

Redirect Examination by Mr. Whitaker

110

Board/Professional Questions

Mr. Placier

41

Chairman Anderson

42

Vice Chairman Papapietro

56

Mr. Zuidema

59, 74

Mr. Barlow

66

Mr. Eliya

66

Mr. Capalbo

75

Mr. Dobiszewski

78

Mr. Novak

88

FRANK DOBISZEWSKI, P.E.

78

E X H I B I T S

NO.

DESCRIPTION

IDENT/EVID

A-9

Revised Site Plan Dated 4/24/23

9

PB-1

Report of Frank Dobiszewski, P.E., Boswell Engineering, Dated 6/09/23

86

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

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

DARRYL W. SISS, ESQUIRE

Counsel for the Zoning Board of Adjustment

BRUCE WHITAKER, ESQUIRE

McDONNELL & WHITAKER

245 East Main Street

Ramsey, New Jersey 07446

Counsel for the Applicant

ANNE MARIE RIZZUTO, ESQUIRE

WEINER LAW GROUP, LLP

629 Parsippany Road

Parsippany-Troy Hills, New Jersey 07054

Counsel for the Objector, Burger Barn

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

JESSICA HARMON, Board Secretary

DAVID NOVAK, P.P., Board Planner

PAUL ERCOLANO, P.E., P.P., Board Engineer

FRANK DOBISZEWSKI, P.E., Special Traffic Engineer

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

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CHAIRMAN ANDERSON: I'll call this meeting to order. This is the meeting of the Zoning Board of Adjustment held on Wednesday, July 12, 2023.

Adequate notice of this meeting has been provided to public by written notice with the time, date and place of this meeting and delivered to The Ridgewood News and The Record, and posting a copy of the said notice on the bulletin board at the Municipal Building, and by filing a copy of said notice with the Borough Clerk.

We have four sets of minutes.

(Whereupon, the Board conducts agenda items.)

CHAIRMAN ANDERSON: MHF Midland Park, LLC, Taco Bell.

Mr. Whitaker, do you want to enter your appearance?

MR. WHITAKER: Yes.

Good evening, Mr. Chairman, Members of the Board.

For the record, Bruce Whitaker from the firm of McDonnell & Whitaker representing the applicant.

This is a continuation of a public hearing. Our last hearing was in May. At that time,

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

201-641-1812

<p style="text-align: right;">5</p> <p>1 we had concluded with Mr. Missey's testimony in 2 connection with a revised site plan that he had 3 prepared based upon certain engineering requests that 4 were made by your board engineer. 5 On the basis of that, during the course 6 of the last meeting in May, there were some 7 additional comments that were made by board members 8 and some recommendations made to the plan. 9 So very briefly, I have a revised plan. 10 You have an exhibit list this evening. I just failed 11 to put on that exhibit list the last exhibit, which 12 will be the final revision that Mr. Missey is going 13 to testify to tonight. 14 He's still under oath. He was 15 qualified previously as a Professional Engineer. And 16 I just want him to put on the record the 17 modifications that were made, based upon some 18 requests that were suggested by the board. 19 And then from there, I have Mr. Dean 20 with me this evening, Gary Dean, as the traffic 21 engineer. And I was going to limit the presentation 22 tonight just to the traffic engineering aspect of 23 this, which the board raised as a concern. And I 24 know that your traffic consultant is also here to 25 make comment. So I think that we can get through all LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">7</p> <p>1 CHAIRMAN ANDERSON: All right. I'm 2 sorry. 3 Go ahead. 4 MR. WHITAKER: Thank you. 5 A N D R E W M I S S E Y, PE 6 12 North State 17, Suite 230, Paramus, New 7 Jersey, having been duly sworn previously, 8 testifies as follows: 9 DIRECT EXAMINATION 10 BY MR. WHITAKER: 11 Q. Mr. Missey, you're still under oath. 12 If you would just explain to the board the plan that 13 you have up there, the revision date to it, and what 14 is -- what the revisions are. 15 A. Yes. 16 Good evening. What's mounted on the 17 easel is the Site Layout Plan, Sheet 1 of 3 of the 18 site plan set, revised through April 24th of 2023. 19 The revisions are very modest. The 20 zoning chart in the upper right has been amended to 21 state that the distance between driveways' deviation 22 that exists now along Godwin Avenue has been 23 eliminated because the egress drive on the Godwin 24 Avenue was eliminated. 25 The refuse area, as suggested by the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">6</p> <p>1 of the traffic aspect this evening, and then we would 2 move on to the next meeting with our planner. 3 CHAIRMAN ANDERSON: Can I interrupt you 4 for a minute? Do you know, is that going to be your 5 last witness, the planner? 6 Do you have -- 7 MR. WHITAKER: Well, I have an 8 architect probably just to show you the building one 9 more time, and then the planner, yes. 10 CHAIRMAN ANDERSON: So you're expecting 11 in August the architect and the planner? 12 MR. WHITAKER: Yes. 13 And conclude. 14 CHAIRMAN ANDERSON: And you're going to 15 conclude your presentation in August? 16 MR. WHITAKER: And I'm going to check 17 with Jessica before I come to make sure there's a 18 seven-member board. It is vacation time. I 19 understand that. 20 CHAIRMAN ANDERSON: We have two 21 alternates who are extremely conscientious. 22 MR. WHITAKER: I understand. 23 But I also recognize it's vacation. 24 Summer starts to wane. So sometimes August, quorums 25 are tough. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">8</p> <p>1 construction official, has been shifted to just west 2 of the cell tower location in this vicinity rather 3 than at the most northeasterly corner of the parking 4 area. That was presented as an exhibit in April. 5 The two light fixtures which light the 6 drive-through area have been shifted away from Godwin 7 Avenue to reduce the glare onto the Godwin Avenue 8 right-of-way. 9 The off-hours delivery vehicle is now 10 depicted within a 12-by-40 off-street loading space 11 outlined in the same vicinity of the cell tower and 12 the -- and the refuse area that has been shifted. 13 The board-on-board fencing that was 14 requested along Godwin Avenue between the 15 right-of-way line and the drive-through outer curb is 16 now shown so as it's depicted. 17 The purpose of that board-on-board 18 fencing is to reduce the headlights of a vehicle 19 within the drive-through lane in some way impeding 20 the sight lines on Godwin Avenue for another 21 motorist. That fencing will be 4 feet in height. 22 And it is depicted as a detail on Sheet 3 of 3 of the 23 plan set. 24 That was the sum of the revisions. We 25 did submit a revised photometric plan as an exhibit. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">9</p> <p>1 I have that with me. But that is very unremarkable.</p> <p>2 Q. So this revised plan is revised through</p> <p>3 4-24-23, correct?</p> <p>4 A. That's correct.</p> <p>5 MR. WHITAKER: We would mark that,</p> <p>6 Mr. Chairman, as A-9 on the list.</p> <p>7 (Whereupon, Revised Site Plan Dated</p> <p>8 April 24, 2023 is marked as Exhibit A-9 for</p> <p>9 identification.)</p> <p>10 CHAIRMAN ANDERSON: We only have the</p> <p>11 full sheet with the last revision date of March,</p> <p>12 right, 20. We have -- at the last meeting we got</p> <p>13 this.</p> <p>14 MR. MISSEY: Yes.</p> <p>15 We had delivered on or about the end of</p> <p>16 business on April 28th revised plan sets of what I'm</p> <p>17 --</p> <p>18 CHAIRMAN ANDERSON: The full.</p> <p>19 MR. MISSEY: Yes. Full sheets.</p> <p>20 MR. WHITAKER: Yes.</p> <p>21 CHAIRMAN ANDERSON: So I don't have any</p> <p>22 of the latest.</p> <p>23 MR. SISS: Bruce, you've got A-3 marked</p> <p>24 as site plan, three pages.</p> <p>25 MR. WHITAKER: Yeah. This is just a</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">11</p> <p>1 MS. RIZZUTO: One second, sir.</p> <p>2 CHAIRMAN ANDERSON: No, no, not you.</p> <p>3 Our substitute board engineer.</p> <p>4 MR. ERCOLANO: I do not have any</p> <p>5 questions at this time.</p> <p>6 But I believe anything that would have</p> <p>7 been relevant would have been related to traffic.</p> <p>8 MR. NOVAK: No questions at this time.</p> <p>9 CHAIRMAN ANDERSON: Do any board</p> <p>10 questions have any questions of Mr. Missey regarding</p> <p>11 these changes?</p> <p>12 VICE CHAIRMAN PAPAPIETRO: Not on these</p> <p>13 changes, no.</p> <p>14 CHAIRMAN ANDERSON: No.</p> <p>15 Unfortunately, I think we've got to</p> <p>16 open it up again. So we need to open the meeting to</p> <p>17 the public.</p> <p>18 I need a motion.</p> <p>19 VICE CHAIRMAN PAPAPIETRO: Motion to</p> <p>20 open it to the public.</p> <p>21 MR. BARLOW: Second.</p> <p>22 VICE CHAIRMAN PAPAPIETRO: That's just</p> <p>23 to question Mr. Missey.</p> <p>24 MR. WHITAKER: On the testimony he gave</p> <p>25 this evening.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">10</p> <p>1 revised date.</p> <p>2 MR. SISS: May 2nd.</p> <p>3 This is April.</p> <p>4 MR. MISSEY: April 24th of 2023. The</p> <p>5 plans's original issue date was April.</p> <p>6 MR. WHITAKER: It says 5-23-22, Darryl.</p> <p>7 MR. MISSEY: That's correct.</p> <p>8 MR. SISS: Oh, okay.</p> <p>9 MR. WHITAKER: Well, the plans were</p> <p>10 prepared a long time ago before they were submitted.</p> <p>11 MR. SISS: That's right.</p> <p>12 CHAIRMAN ANDERSON: Do you have a more</p> <p>13 recent.</p> <p>14 VICE CHAIRMAN PAPAPIETRO: The last one</p> <p>15 I have, I have it marked 1 and 2 from April.</p> <p>16 CHAIRMAN ANDERSON: That's one. Okay,</p> <p>17 that's the one I have.</p> <p>18 VICE CHAIRMAN PAPAPIETRO: Version 2.</p> <p>19 CHAIRMAN ANDERSON: No. I just want to</p> <p>20 have it. I don't need it right now. Okay, yes.</p> <p>21 MR. WHITAKER: That concludes our</p> <p>22 presentation. It was just to explain what the</p> <p>23 revisions were.</p> <p>24 CHAIRMAN ANDERSON: Okay. Did you have</p> <p>25 any questions or...</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">12</p> <p>1 VICE CHAIRMAN PAPAPIETRO: Right.</p> <p>2 MS. HARMON: Mr. Zuidema?</p> <p>3 MR. ZUIDEMA: Yes.</p> <p>4 MS. HARMON: Mr. Papapietro?</p> <p>5 VICE CHAIRMAN PAPAPIETRO: Yes.</p> <p>6 MS. HARMON: Mr. Placier?</p> <p>7 MR. PLACIER: Yes.</p> <p>8 MS. HARMON: Mr. Barlow?</p> <p>9 MR. BARLOW: Yes.</p> <p>10 MS. HARMON: Mr. Eliya?</p> <p>11 MR. ELIYA: Yes.</p> <p>12 MS. HARMON: Mr. Capalbo?</p> <p>13 MR. CAPALBO: Yes.</p> <p>14 MS. HARMON: Mr. Anderson?</p> <p>15 CHAIRMAN ANDERSON: Yes.</p> <p>16 Okay. Again, I don't know if there's</p> <p>17 anybody who hasn't been here before, but I'm going to</p> <p>18 just say again, the members of the public will have</p> <p>19 several opportunities to address the board.</p> <p>20 After each witness testifies, you can</p> <p>21 come forward and ask questions of that witness only.</p> <p>22 That's all we're interested in at that</p> <p>23 point.</p> <p>24 If you are here and you want to advise</p> <p>25 the board why you think the application should be</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">13</p> <p>1 approved, or denied, or have some other concerns</p> <p>2 having nothing to do with Mr. Missey's testimony,</p> <p>3 you'll have an opportunity to do that.</p> <p>4 When all of the testimony is in and the</p> <p>5 application is complete, we will open it once again</p> <p>6 to the public, and you can come forward and tell us</p> <p>7 whatever you believe is pertinent at that time.</p> <p>8 So for right now, all we're looking for</p> <p>9 is if you have questions regarding Mr. Missey's</p> <p>10 testimony that he gave tonight. Not on the</p> <p>11 underlying site plan that he testified before. Okay,</p> <p>12 so?</p> <p>13 MS. RIZZUTO: So, Mr. Chairman.</p> <p>14 CHAIRMAN ANDERSON: Enter your</p> <p>15 appearance.</p> <p>16 MS. RIZZUTO: Yes.</p> <p>17 Anne Marie Rizzuto from the law firm of</p> <p>18 Weiner Law Group, LLP on behalf of Burger Barn, which</p> <p>19 is the operator of the Burger King across the street</p> <p>20 from this proposed site.</p> <p>21 And with that being said, I just really</p> <p>22 want to look at the revisions. And I can question</p> <p>23 him later at a later date.</p> <p>24 MR. SISS: I don't know that he'll be</p> <p>25 here at a later date.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">15</p> <p>1 Q. That's the new location of the refuse</p> <p>2 area?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 So where would the person -- the</p> <p>6 loading person, where would they go to bring their</p> <p>7 materials into the Taco Bell? Where is the entrance</p> <p>8 for them to go to?</p> <p>9 A. It is along the drive-through lane.</p> <p>10 And when the architect testifies, he can pinpoint</p> <p>11 where that door is.</p> <p>12 Q. Okay. So it's along the westerly side</p> <p>13 of the property? In the drive-through lane, there is</p> <p>14 a door for deliveries?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And for people -- I assume Taco</p> <p>17 Bell employees having to go -- walk the -- traverse</p> <p>18 this area to go to the new proposed garbage</p> <p>19 enclosure, what door would they use?</p> <p>20 A. I believe they would use that same</p> <p>21 door, but that should be confirmed with the</p> <p>22 architect.</p> <p>23 Q. Okay. Besides that door -- do you know</p> <p>24 if that door is going to be open to the public, or</p> <p>25 you don't know?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">14</p> <p>1 MR. WHITAKER: We will see.</p> <p>2 MS. RIZZUTO: So you don't require them</p> <p>3 to bring back their witnesses for members of the</p> <p>4 public.</p> <p>5 MR. WHITAKER: No.</p> <p>6 Questions of them are now.</p> <p>7 MR. SISS: Yeah.</p> <p>8 MS. RIZZUTO: Okay. So if I could just</p> <p>9 take a quick look at the four things he talked about.</p> <p>10 CHAIRMAN ANDERSON: Emphasis on quick.</p> <p>11 MS. RIZZUTO: Okay. So I'll ask some</p> <p>12 questions just to orient myself.</p> <p>13 CROSS-EXAMINATION</p> <p>14 BY MS. RIZZUTO:</p> <p>15 Q. So on your revised plan, Sheet 1 of 3,</p> <p>16 dated April 24th, 2023, can you please just show me</p> <p>17 -- verify for me where the off-street loading space</p> <p>18 is in relation to the cell tower? Is it next to the</p> <p>19 cell tower, or is it in front of the cell tower?</p> <p>20 A. It is in front of the cell tower.</p> <p>21 Q. Okay.</p> <p>22 And what is this box with this wiggly</p> <p>23 line that looks like a heartbeat line? What is that</p> <p>24 box?</p> <p>25 A. That is the refuse area.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">16</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Besides that door, there is --</p> <p>3 you designed this engineering-wise, and I assume</p> <p>4 there is a door near where the proposed handicap</p> <p>5 aisle is -- handicap space is.</p> <p>6 A. Yes.</p> <p>7 Q. Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Is there any other exterior door open</p> <p>10 to the public proposed on your plan?</p> <p>11 A. Not that I'm aware of.</p> <p>12 But, again, that should be clarified by</p> <p>13 the architect when he appears.</p> <p>14 Q. Okay, very good. Is the off-hours</p> <p>15 delivery vehicle --</p> <p>16 MR. WHITAKER: We're now going beyond</p> <p>17 the scope of the questions that pertain to the</p> <p>18 information Mr. Missey testified to this evening.</p> <p>19 I have to just place that on the</p> <p>20 record.</p> <p>21 CHAIRMAN ANDERSON: Fine.</p> <p>22 MS. RIZZUTO: Okay, thank you.</p> <p>23 BY MS. RIZZUTO:</p> <p>24 Q. Just with respect to the off-hours</p> <p>25 delivery vehicle, you said this plan shows this</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">17</p> <p>1 12-foot-by-40-foot.</p> <p>2 Is that a tractor trailer?</p> <p>3 A. It is not.</p> <p>4 That's the size of a delivery space</p> <p>5 required under the Midland Park code.</p> <p>6 Q. Okay. And how big of a truck can that</p> <p>7 accommodate?</p> <p>8 A. Mr. Dean is here to testify this</p> <p>9 evening. And I believe Mr. Santana covered that also</p> <p>10 in his testimony.</p> <p>11 MR. WHITAKER: Prior testimony provided</p> <p>12 that information.</p> <p>13 MS. RIZZUTO: Okay, thank you.</p> <p>14 BY MS. RIZZUTO:</p> <p>15 Q. And the fence. The fence that you're</p> <p>16 proposing, which is on this plan marked as A-9 today,</p> <p>17 is just along Midland, not along Rea?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay, very good.</p> <p>20 Thank you?</p> <p>21 A. You're welcome.</p> <p>22 CHAIRMAN ANDERSON: Anyone else from</p> <p>23 the public have any questions for this witness?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN ANDERSON: Seeing none, can I</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">19</p> <p>1 what I recall, the cell tower is -- in front of that</p> <p>2 is a line of traffic, ingress and egress?</p> <p>3 MR. MISSEY: Yes.</p> <p>4 VICE CHAIRMAN PAPAPIETRO: So will that</p> <p>5 delivery truck then be impeding on cars in the</p> <p>6 parking lot? And then to the side of that then would</p> <p>7 be parking spaces that cars can't utilize during some</p> <p>8 times of delivery and could have a problem backing</p> <p>9 out?</p> <p>10 MR. WHITAKER: The operator testified</p> <p>11 at the first meeting that the deliveries are made</p> <p>12 between, I believe it was 5 and 7 a.m. in the</p> <p>13 morning. It's not while the customer is there.</p> <p>14 And the testimony, if you recall, from</p> <p>15 the operator was that the person that comes with the</p> <p>16 truck has a key to the place to bring the product in,</p> <p>17 so there's not even an employee there.</p> <p>18 VICE CHAIRMAN PAPAPIETRO: Okay. I'm</p> <p>19 just concerned about blocking that lane of traffic.</p> <p>20 I forgot because it's been so long.</p> <p>21 MR. WHITAKER: I understand.</p> <p>22 VICE CHAIRMAN PAPAPIETRO: I'm getting</p> <p>23 older.</p> <p>24 MR. WHITAKER: We all are.</p> <p>25 VICE CHAIRMAN PAPAPIETRO: Thank you.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">18</p> <p>1 have a motion to close?</p> <p>2 VICE CHAIRMAN PAPAPIETRO: Motion to</p> <p>3 close the public portion to this witness.</p> <p>4 MR. ZUIDEMA: Second.</p> <p>5 MS. HARMON: Mr. Zuidema?</p> <p>6 MR. ZUIDEMA: Yes.</p> <p>7 MS. HARMON: Mr. Papapietro?</p> <p>8 VICE CHAIRMAN PAPAPIETRO: Yes.</p> <p>9 MS. HARMON: Mr. Placier?</p> <p>10 MR. PLACIER: Yes.</p> <p>11 MS. HARMON: Mr. Barlow?</p> <p>12 MR. BARLOW: Yes.</p> <p>13 MS. HARMON: Mr. Eliya?</p> <p>14 MR. ELIYA: Yes.</p> <p>15 MS. HARMON: Mr. Capalbo?</p> <p>16 MR. CAPALBO: Yes.</p> <p>17 MS. HARMON: Mr. Anderson?</p> <p>18 CHAIRMAN ANDERSON: Yes.</p> <p>19 VICE CHAIRMAN PAPAPIETRO: Les, I have</p> <p>20 a question.</p> <p>21 Can you just clarify? You mentioned</p> <p>22 that the delivery with the new plan will be in front</p> <p>23 of the cell tower.</p> <p>24 MR. MISSEY: Yes.</p> <p>25 VICE CHAIRMAN PAPAPIETRO: Now, from</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">20</p> <p>1 MR. MISSEY: No problem.</p> <p>2 CHAIRMAN ANDERSON: Okay.</p> <p>3 Anyone else?</p> <p>4 MR. WHITAKER: Yes. My next witness</p> <p>5 will be Gary Dean.</p> <p>6 Mr. Dean?</p> <p>7 MR. DEAN: Good evening.</p> <p>8 MR. SISS: Would you raise your right</p> <p>9 hand, sir?</p> <p>10 Do you swear the testimony you're about</p> <p>11 to give in this matter tonight will be the truth, the</p> <p>12 whole truth, and nothing but the truth?</p> <p>13 MR. DEAN: Yes, I do.</p> <p>14 G A R Y D E A N, P.E., P.P.</p> <p>15 181 West High Street, Somerville, New Jersey,</p> <p>16 having been duly sworn, testifies as follows:</p> <p>17 MR. SISS: State your name and business</p> <p>18 address, please.</p> <p>19 MR. DEAN: Gary Dean, D-E-A-N.</p> <p>20 Professional address is 181 West High Street in</p> <p>21 Somerville, New Jersey.</p> <p>22 VOIR DIRE EXAMINATION</p> <p>23 BY MR. WHITAKER:</p> <p>24 Q. Mr. Dean, I'd like you to give the</p> <p>25 board and members of the public the benefit of your</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">21</p> <p>1 educational and professional background?</p> <p>2 A. Certainly.</p> <p>3 I'm a 1983 graduate of Lehigh</p> <p>4 University with a Bachelor of Science degree in Civil</p> <p>5 Engineering.</p> <p>6 I'm a former member of the faculty of</p> <p>7 Lehigh University and Lafayette College, having</p> <p>8 served as an adjunct professor teaching</p> <p>9 transportation engineering.</p> <p>10 I've been licensed as a Professional</p> <p>11 Engineer in New Jersey since 1988 and as a</p> <p>12 Professional Planner since 1990.</p> <p>13 I've been qualified and appeared before</p> <p>14 roughly 450 different planning and zoning boards</p> <p>15 throughout the state, and, to the best of my</p> <p>16 recollection, appeared before this board in 2009 on</p> <p>17 behalf of Henpal Realty to conduct a parking</p> <p>18 evaluation of the overall shopping center.</p> <p>19 Our office has also served, and I have</p> <p>20 served, as a traffic consultant to Taco Bell in</p> <p>21 roughly 50 to 60 different applications throughout</p> <p>22 Connecticut, New York, New Jersey and Pennsylvania.</p> <p>23 And we also represent a number of other</p> <p>24 fast food and quick-service operators as well.</p> <p>25 Q. In addition to representing applicants</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">23</p> <p>1 design of traffic signals, permitting with NJ DOT,</p> <p>2 but traffic and transportation related, yes.</p> <p>3 MR. WHITAKER: I would ask that</p> <p>4 Mr. Dean be qualified as an expert witness in the</p> <p>5 field of engineering, and specifically as a traffic</p> <p>6 engineer.</p> <p>7 CHAIRMAN ANDERSON: Does anybody have</p> <p>8 any questions concerning Mr. Dean's qualifications?</p> <p>9 VICE CHAIRMAN PAPAPIETRO: No.</p> <p>10 CHAIRMAN ANDERSON: If not?</p> <p>11 MR. DEAN: Thank you very much.</p> <p>12 MR. WHITAKER: Questions by the public</p> <p>13 about his qualifications?</p> <p>14 I just want to put it on the record.</p> <p>15 Thank you.</p> <p>16 DIRECT EXAMINATION</p> <p>17 BY MR. WHITAKER:</p> <p>18 Q. Mr. Dean, you've been engaged by the</p> <p>19 applicant for the purpose of doing a traffic analysis</p> <p>20 in connection with this application at this site on</p> <p>21 Godwin Avenue, correct?</p> <p>22 A. Correct.</p> <p>23 Q. You have been to the site?</p> <p>24 A. Yes, I have.</p> <p>25 Q. And in connection with this analysis,</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">22</p> <p>1 before boards, am I correct in saying you have served</p> <p>2 as a traffic consultant to various governmental</p> <p>3 agencies, including municipalities?</p> <p>4 A. Yes, I have.</p> <p>5 Q. And in that capacity, you've done</p> <p>6 traffic analyses on behalf of municipalities?</p> <p>7 A. Municipalities or, much like</p> <p>8 Mr. Dobiszewski, have served the board as a board</p> <p>9 consultant in the peer review of submitted</p> <p>10 information and applications.</p> <p>11 In Bergen County, we have served as, at</p> <p>12 one point or another, or currently served as a board</p> <p>13 traffic consultant in Closter, Park Ridge, Wyckoff.</p> <p>14 Those immediately come to mind, but there have been</p> <p>15 other.</p> <p>16 Q. So would it be correct to say that in</p> <p>17 addition to being a licensed civil engineer that your</p> <p>18 specific area of expertise pertains to traffic</p> <p>19 engineering?</p> <p>20 A. Correct.</p> <p>21 Q. And that basically is basically</p> <p>22 exclusively what you do on a day-to-day basis with</p> <p>23 your firm?</p> <p>24 A. And all things related to traffic,</p> <p>25 including parking studies, intersection design, the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">24</p> <p>1 you recognize that a restaurant use in this B-3 Zone</p> <p>2 is a permitted use but that it's the drive-through</p> <p>3 aspect in which the applicant is seeking the D-1</p> <p>4 variance, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you obviously have just testified</p> <p>7 but just to confirm, you're very familiar with the</p> <p>8 fast-food QSR industry and the different needs that</p> <p>9 they have from a traffic perspective.</p> <p>10 Is that correct?</p> <p>11 A. Yes, it is.</p> <p>12 Q. Okay. So what I would like you to do</p> <p>13 is to explain to the board how you conducted your</p> <p>14 study and what specific aspects from a traffic</p> <p>15 standpoint you focused on in connection with that</p> <p>16 study.</p> <p>17 A. Certainly.</p> <p>18 First, as the board is aware, there is</p> <p>19 already a drive-through use on this particular</p> <p>20 property, albeit for a bank.</p> <p>21 But the practice of individuals,</p> <p>22 customers, awaiting in their vehicles while the</p> <p>23 vehicle is within a movable queue, as the bank had,</p> <p>24 we're just replacing that one drive-through use with</p> <p>25 a different drive-through use.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">25</p> <p>1 We recognize the distinction between a</p> <p>2 financial institution and a restaurant, principally</p> <p>3 because quick-service restaurants generate more</p> <p>4 traffic, but the principal aspect of serving vehicles</p> <p>5 while in their cars is identical.</p> <p>6 This particular application, we focused</p> <p>7 on the differences in traffic numbers. While Taco</p> <p>8 Bell only recently started serving breakfast,</p> <p>9 historically they had not. They are not like</p> <p>10 McDonald's and some of their competitors where</p> <p>11 breakfast is a larger portion of their business.</p> <p>12 Taco Bell, by and large, is a lunchtime-oriented use,</p> <p>13 and that represents their peak hours.</p> <p>14 Our study focused on the</p> <p>15 characteristics of the site: Its shape, the size of</p> <p>16 the building, the amount of stacking, as we call it,</p> <p>17 or queuing for customers.</p> <p>18 The proposal, because as a driver we</p> <p>19 need to be served from that side of the vehicle,</p> <p>20 necessitates a counter-clockwise flow.</p> <p>21 This particular aspect takes best</p> <p>22 advantage of the shape of -- I guess I should call it</p> <p>23 the lease area, but the portion of the site that is</p> <p>24 proposed for the conversion to Taco Bell.</p> <p>25 It is, I'll call it, skinny but deep.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">27</p> <p>1 driveway on Godwin Avenue. That is how the bank</p> <p>2 traffic used to exit. We are proposing to close</p> <p>3 that. That has -- and I will cover that in greater</p> <p>4 detail, but that has attendant safety benefits for</p> <p>5 pedestrian activity using the sidewalk.</p> <p>6 So we contain that drive-through queue</p> <p>7 entirely around the southerly side of the building.</p> <p>8 And then the queue or stack continues</p> <p>9 along the easterly side of the building, at which</p> <p>10 point the vehicles can exit and then continue out to</p> <p>11 -- is it Rea? I know it as Rea. Rea, thank you.</p> <p>12 Rea Avenue or continue within the internal</p> <p>13 circulation of the site to exit either to Godwin or</p> <p>14 out to Erie Avenue.</p> <p>15 As mentioned, the bank, although it was</p> <p>16 a bigger building, has different characteristics.</p> <p>17 Certainly banks, you know, as quote, unquote brick</p> <p>18 and mortar uses has declined. You know, we can do</p> <p>19 more banking online and digitally. So this</p> <p>20 represents the rehabilitation and a use in this site</p> <p>21 that has very specific requirements. It would be</p> <p>22 challenging, given the configuration of this</p> <p>23 property, to do much else with it and still fit in a</p> <p>24 building other than putting in parking.</p> <p>25 So it does allow for a new use to be</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">26</p> <p>1 And because of that shape, it allows us to take</p> <p>2 advantage of three sides of the building for the</p> <p>3 proposed queuing and stacking configuration,</p> <p>4 depending on the vehicles.</p> <p>5 You know, if everyone drives a</p> <p>6 Suburban, that we can only accommodate, you know, a</p> <p>7 certain number. But we can fit anywhere between 11</p> <p>8 and 12 vehicles, depending on the size of the</p> <p>9 vehicle.</p> <p>10 And that would wrap around the westerly</p> <p>11 side of the building first, which is the entrance</p> <p>12 point.</p> <p>13 And I'm pointing to -- Bruce, forgive</p> <p>14 me, I don't know how this exhibit has been marked.</p> <p>15 But I am referring to the Proposed Quick Service</p> <p>16 Restaurant from Mr. Missey's office. It is Sheet 1</p> <p>17 of 3.</p> <p>18 Q. It's our A-9 this evening.</p> <p>19 A. Thank you.</p> <p>20 So in A-9, I'm pointing, the entrance</p> <p>21 to the drive-through lane would be on the westerly</p> <p>22 side of the building from within the interior of the</p> <p>23 parking lot (indicating). That queue would then</p> <p>24 extend all the way around up to Godwin Avenue.</p> <p>25 I do want to point out that there is a</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">28</p> <p>1 developed, and it caters to drive-through customers</p> <p>2 by and large.</p> <p>3 In our report -- and I'll refer to</p> <p>4 Table 1 on page 4 -- what we did is we looked at</p> <p>5 industry standard trip generation rates. And that's</p> <p>6 an overly complicated way of saying how much traffic</p> <p>7 does a given use generate? And the way we determine</p> <p>8 that is through looking at similar uses, many times</p> <p>9 identical uses. We go out, we count. We send a</p> <p>10 person out to the field. And over the course of a</p> <p>11 morning, a midday, an afternoon, sometimes on</p> <p>12 Saturdays, people just count the ins and outs of a</p> <p>13 variety of land uses.</p> <p>14 All of that data is compiled by the</p> <p>15 Institute of Transportation Engineers. There are, I</p> <p>16 think, 275 different land uses that have been</p> <p>17 cataloged.</p> <p>18 And in this particular instance, we</p> <p>19 looked at actual traffic generation data for a</p> <p>20 drive-through bank, and we looked at the same data</p> <p>21 for a drive-through quick-service restaurant.</p> <p>22 And in Table 1, we've outlined the</p> <p>23 differences in overall traffic. Banks tend to be a</p> <p>24 little bit busier at their heyday in the evening peak</p> <p>25 hours, right? People got a paycheck or the bank was</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">29</p> <p>1 about to close. They were visited on their way home.</p> <p>2 And that tended to be the highest period of activity</p> <p>3 for a bank.</p> <p>4 By contrast, Taco Bell, quick-service</p> <p>5 restaurants in general, are busiest at lunchtime.</p> <p>6 Kind of makes sense.</p> <p>7 So the difference in traffic between</p> <p>8 the bank and the proposed Taco Bell is most</p> <p>9 significant at lunchtime, where the difference would</p> <p>10 be 61 more trips. And that's -- trip is another</p> <p>11 complicated term. It is the difference between -- it</p> <p>12 is an in or an out movement.</p> <p>13 And by that I mean, if one car comes</p> <p>14 into a site and then leaves, it's only one car, but</p> <p>15 traffic engineers count that as two trips, and in and</p> <p>16 an out.</p> <p>17 So our difference is 61 trips, but in</p> <p>18 reality it's 30 more cars. That's the highest peak.</p> <p>19 The other times in the morning -- and</p> <p>20 again, we relied on the industry standard data. Taco</p> <p>21 Bell's morning traffic isn't quite as high as 52 in</p> <p>22 the morning; but, nevertheless, we use that because</p> <p>23 the standard professional practice. That results in</p> <p>24 a difference in the morning of 24 trips, or 12 cars.</p> <p>25 And in the evening, rush hour, the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">31</p> <p>1 back on your way to where you were going in the first</p> <p>2 place.</p> <p>3 Fast food in general tends to attract a</p> <p>4 higher percentage of pass-by traffic because it's</p> <p>5 more of a convenience. We're on our way somewhere</p> <p>6 else. We'll stop in and grab lunch.</p> <p>7 In this particular instance, at</p> <p>8 lunchtime for Taco Bell, we might expect more people</p> <p>9 who are working in the community might make that</p> <p>10 special trip to Taco Bell.</p> <p>11 But in our morning peak hours and in</p> <p>12 the afternoon rush hours, we do expect to see more</p> <p>13 people that would just stop by on their way home,</p> <p>14 say, and get dinner.</p> <p>15 So because of that, this change in use</p> <p>16 does not, I'll say, put a whole lot of new traffic on</p> <p>17 the roadway system. Candidly, any redevelopment of</p> <p>18 the site would.</p> <p>19 But I think, given the magnitude of</p> <p>20 what I've outlined, the size of the building, it is</p> <p>21 not -- it's not like dropping a new Shop-Rite in a</p> <p>22 community. It's a fairly innocuous use in terms of</p> <p>23 overall impact.</p> <p>24 The second part of our analysis focused</p> <p>25 on the access and circulation. The access to the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">30</p> <p>1 difference is -- they're basically the same use.</p> <p>2 There is no difference from a traffic engineering</p> <p>3 perspective between a 2,030-square-foot Taco Bell and</p> <p>4 the larger bank. The different is only seven trips.</p> <p>5 Lastly, on Saturday, because banks</p> <p>6 tended to close right at noon, there is some</p> <p>7 carry-over, so the Taco Bell would be a little bit</p> <p>8 busier on a Saturday.</p> <p>9 In terms of net impact, with that</p> <p>10 difference of 61 trips midday, what does that mean?</p> <p>11 Well, over the course of an hour,</p> <p>12 that's one more traffic movement every minute. And I</p> <p>13 won't ask you to sit here and wait a minute in total</p> <p>14 silence.</p> <p>15 But if you were waiting at a light, it</p> <p>16 would seem like an eternity. It is a very small</p> <p>17 impact in terms of effect on the street system.</p> <p>18 There's another component related to</p> <p>19 Taco Bell traffic, and that relates to what is known</p> <p>20 as pass-by trips. A pass-by trip is a movement we</p> <p>21 all make without thinking about it. And the best</p> <p>22 example is, you're on your way home at night, or</p> <p>23 you're on your way to work in the morning, "oh, my</p> <p>24 goodness, I forgot to get gas." So you pull into the</p> <p>25 gas station, conduct your business, and you go right</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">32</p> <p>1 overall center will remain unchanged, meaning the</p> <p>2 external driveways, the ones to the west on Erie</p> <p>3 closest to CVS, nothing will be changed with that.</p> <p>4 The main driveway out to Godwin also</p> <p>5 will remain unchanged. And the driveway out to Rea</p> <p>6 will also remain unchanged.</p> <p>7 The driveway on Rea is somewhat unusual</p> <p>8 in that local residents further to the north are not</p> <p>9 supposed to turn right to come and visit the center.</p> <p>10 That predates obviously my involvement.</p> <p>11 And somewhere in the process, for</p> <p>12 whatever reason, that restriction was imposed. And</p> <p>13 similarly, anyone leaving the site on Rea is directed</p> <p>14 to the right towards Godwin and cannot make a</p> <p>15 left-hand turn. All of that will remain unchanged.</p> <p>16 So the only reconfiguration, as was</p> <p>17 described, pertains to, I'll call it, the pad site</p> <p>18 for the Taco Bell.</p> <p>19 As I mentioned, we have anywhere</p> <p>20 between 11 and 12 vehicles. The standard</p> <p>21 recommendation for fast-food restaurants is a minimum</p> <p>22 of eight stacking. When I referenced the Institute</p> <p>23 of Transportation Engineers, or ITE, as it's known,</p> <p>24 among things, you know, consultants like myself do,</p> <p>25 aside from counting cars in and out, counting the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">33</p> <p>1 number of parked cars for a given use, the other 2 thing that's studied is stacking. One of the things 3 that has been found is that for Mexican-themed 4 quick-service restaurants, less stacking is needed. 5 The reason is, the menu is more limited. There's no 6 cooking per se involved. It's really a warming of 7 precooked foods.</p> <p>8 So the food preparation and service to 9 the customer is much quicker. As a result, you need 10 a little less queuing.</p> <p>11 We have 11. And so I contrast that 12 with the industry recommendation of seven. We're 13 exceeding that by 50 percent.</p> <p>14 As a final measure -- and Mr. Whitaker 15 brought it to my attention when I was engaged -- it 16 was expressed some concerns about what goes on at 17 Wendy's, somewhat across the street from us just to 18 the east.</p> <p>19 Included in our report are some 20 findings where we flew a drone, an aerial drone. We 21 flew it during the peak of lunch hour, and we parked 22 it right over Wendy's. And we just watched that 23 queuing for a whole how are so we could ascertain 24 what the peak was.</p> <p>25 I've included a photograph video LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">35</p> <p>1 But everything is kept internal to the 2 site. There's no spillover onto the public street.</p> <p>3 So I want to distinguish that in terms 4 of the overall design and the fact that it's 5 considered a back-fed instead of front-fed. It is a 6 superior design in terms of some of the neighboring 7 users in the area.</p> <p>8 And the question is, if that 12th 9 vehicle sticks out and blocks the aisle, well, what 10 happens? If I'm a customer and I'm leaving one of 11 the other tenants -- I'm not painting this scenario 12 as likely.</p> <p>13 But to answer that hypothetical, the 14 customer would just drive around the back aisle and 15 would still leave if they were going out to Rea.</p> <p>16 So we have a number of, call it, safety 17 measures or enhancements in our design that, in my 18 opinion, allow this to function with a high degree of 19 efficiency, with no spillover into the public street 20 system or encroaching on the sidewalk.</p> <p>21 Again, I do want to highlight that from 22 a traffic engineer's perspective, I think the most 23 significant enhancement in terms of overall safety is 24 getting rid of that curb cut on Godwin Avenue.</p> <p>25 And I think that's a significant and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">34</p> <p>1 capture from that footage. And we saw 11 vehicles, 2 poorly stacked, but 11 vehicles within the Wendy's at 3 the peak time. At all other times it was less.</p> <p>4 We didn't see -- even though I 5 understand there are concerns about spillover onto 6 Godwin Avenue. We didn't see it. We were there on 7 April 12th. It's as normal a day as any other.</p> <p>8 I do note that the Wendy's is 9 undergoing renovation. And oftentimes with older 10 restaurants, their efficiency, their cooking, their 11 ability to deliver to the customers haven't kept pace 12 with demand.</p> <p>13 So maybe they have an off day or, you 14 know, there's a problem with staff and there may 15 be queuing.</p> <p>16 The one area I want to distinction 17 between the Wendy's and the Taco Bell is we are fully 18 internal to the site. Wendy's, on the other hand, if 19 it's the 12th car, that spills out onto the sidewalk 20 and the street. That's not a very good design.</p> <p>21 We, by capturing everything internally, 22 if for whatever unusual reason -- and if you were the 23 12th person in line, you'd have a long wait. Most 24 people at that point decide to park and walk in 25 (indicating). LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">36</p> <p>1 positive attribute in contrast to just putting 2 another bank back in there or some other use that 3 just reuses the building.</p> <p>4 And with that, in my opinion, I think 5 we've met all the appropriate design standards. Yes, 6 at some points of the day there will be an increase 7 in traffic.</p> <p>8 I think as a lunchtime use with that 9 occurring midday hours, it's not going to aggravate 10 the typical commuter peaks.</p> <p>11 And on balance, I think the renovation 12 or rehabilitation of the site for this use will not 13 result in any detrimental traffic impact or 14 operational problems.</p> <p>15 In terms of -- and there was a question 16 asked about the loading. The actual loading spot, as 17 Mr. Missey indicated, is dimensioned in conformance 18 with your ordinance at 12-by-14.</p> <p>19 If you'll see, there's a dotted outline 20 that extends beyond that loading space. That can 21 accommodate the tractor trailer truck, and it doesn't 22 block the drive-through lane.</p> <p>23 If the trunk for whatever reason is 24 even longer than that, the only thing it would block 25 is the trash enclosure. I don't find that to be a LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 particular problem either. So it doesn't interfere
 2 with the free flow of traffic or any kind of safety
 3 measure in that area.
 4 That's all I have.
 5 I know Mr. Dobiszewski has a review for
 6 you. But I think in general -- and I'll let him
 7 speak for himself -- but that it was generally
 8 concurring with our findings as well.
 9 So I'm always pleased to get that kind
 10 of endorsement.

11 Q. Mr. Dean, you prepared a report that
 12 we've submitted, June 1st, 2023.

13 Is that a report that was prepared by
 14 you and under your direction?

15 A. Yes, it is.

16 Q. And the statements that you have in
 17 that report is what you basically have substantiated
 18 in your testimony this evening?

19 A. Yeah, that is correct.

20 Q. On the basis of that and your analysis,
 21 there were three conclusions that came based upon the
 22 three points that you have addressed.

23 The first point that you pertained and
 24 addressed was the impact on surrounding streets. And
 25 your testimony, as I understand it, is that there

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1 a convenience-oriented use, that the overall traffic
 2 would be generally in the same range.
 3 I mean, if it's a jewelry store, no.
 4 But if it's, you know, something that's serving
 5 pre-made meals or, you know, a convenience-type use,
 6 they'll be in the same ballpark in terms of overall
 7 traffic impact.

8 Q. And you recognize that we're seeking
 9 the variance for the prohibition under the restaurant
 10 use for a drive-through facility, correct?

11 A. Yes.

12 Q. And it's your testimony that basically
 13 this drive-through facility in and of itself will
 14 have no impact on the surrounding streets?

15 A. That is my opinion. I believe it meets
 16 and exceeds all of the recognized standards for
 17 stacking and operations.

18 So, yes, I understand that there is a
 19 prohibition. In terms of traffic, I look at it as
 20 it's -- I sometimes call it dynamic parking, meaning
 21 it's moveable parking. The same customers are
 22 visiting the store. We're just accommodating them
 23 and their vehicles in a more efficient manner than
 24 parking.

25 I'll give you an example. If the

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1 will be no impact to the surrounding streets based
 2 upon the use proposed?

3 A. There is an impact.

4 I want to clarify and say there's no
 5 adverse impact. I mean, we could quibble over one
 6 more car as an impact. I'm not here to do that.

7 Yes, we've acknowledged that the change
 8 in use may result in a very modest traffic increase,
 9 but not to the point where it would affect or be
 10 noticeable to any users of the center or the local
 11 street system.

12 Q. And in your background as also a
 13 Professional Planner, you recognize that the
 14 restaurant use, itself, is a permitted use in this
 15 zone?

16 A. Correct.

17 Q. So, in essence, when the zoning
 18 ordinance was prepared, it was contemplated that a
 19 restaurant use -- that the streets around any
 20 restaurant use in this B-3 Zone would have the
 21 sufficiency to accept the traffic that would be
 22 generated by such a restaurant?

23 A. Correct.

24 And I would also further submit that
 25 even if another retail use were developed, you know,

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1 drive-through were not available -- and I don't know,
 2 I haven't looked at an alternative design -- but
 3 there would certainly be individuals who would park
 4 and walk into the building. We would still have
 5 that. We would just have more people crossing the
 6 main access aisle coming in from Rea than we would
 7 with a drive-through design.

8 So in terms of pedestrian safety for
 9 parents with small children, for anyone who is
 10 mobility impaired, it does provide an added amenity
 11 that does enhance safety.

12 Q. And you have testified that from the
 13 standpoint of -- a traffic standpoint, in looking at
 14 a drive-through -- and the queuing aspect here is
 15 between seven and eight, as what you think is
 16 required, and we are showing 11 -- that the other
 17 benefit here, contrary to other drive-through
 18 facilities, is that additional queuing, overflow as
 19 you called it, would be internal rather than being on
 20 the streets

21 Is that correct?

22 A. That is correct.

23 Q. And you've had the benefit of reviewing
 24 the Boswell report of June 9, 2023, correct?

25 A. Yes.

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<p style="text-align: right;">41</p> <p>1 Q. And you concur with the analysis and</p> <p>2 the opinions rendered in that report?</p> <p>3 A. Yes.</p> <p>4 MR. WHITAKER: Thank you.</p> <p>5 I have nothing further.</p> <p>6 CHAIRMAN ANDERSON: I have a couple</p> <p>7 questions.</p> <p>8 But would you rather hear from</p> <p>9 Mr. Dobiszewski before we ask questions, or do you</p> <p>10 have questions you want to ask now?</p> <p>11 MR. PLACIER: The only question I had</p> <p>12 -- and it's probably been said already.</p> <p>13 But the customers for the Taco Bell</p> <p>14 will have access from Rea Avenue and they'll also</p> <p>15 have it from the CVS side too, anywhere in the</p> <p>16 parking lot, correct?</p> <p>17 MR. DEAN: Anywhere that you see today,</p> <p>18 the same as the bank had.</p> <p>19 There are no restrictions in access</p> <p>20 from any of the abutting streets, other than, as I</p> <p>21 pointed out, the entire plaza is not accessible from</p> <p>22 the north.</p> <p>23 MR. PLACIER: Right, right.</p> <p>24 CHAIRMAN ANDERSON: I have a question.</p> <p>25 How long of an excess queue would there be, how many</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">43</p> <p>1 to the queue?</p> <p>2 In other words, if it's already past</p> <p>3 the building.</p> <p>4 MR. DEAN: Sure.</p> <p>5 So the scenario is, we've exceeded what</p> <p>6 wraps around the building, and now we have a stack.</p> <p>7 The only thing I can surmise is that they would --</p> <p>8 they would come in.</p> <p>9 Why they would come up Rea instead of</p> <p>10 Godwin, I don't know?</p> <p>11 CHAIRMAN ANDERSON: People do.</p> <p>12 MR. DEAN: But let's assume they did</p> <p>13 and made a left. They can come around the back and</p> <p>14 join the queue through the second row, the</p> <p>15 northernmost parking field.</p> <p>16 Practically, what happens -- you know,</p> <p>17 I'll speak for myself, both as a professional and as</p> <p>18 a customer -- if I see a line that long, I don't go</p> <p>19 there or I park and walk in.</p> <p>20 It's just -- it's no longer -- I mean,</p> <p>21 drive-throughs are a convenience. Once the line is</p> <p>22 too long, it loses its convenience.</p> <p>23 And we know it's going to be shorter to</p> <p>24 walk in, park, place my order and go.</p> <p>25 The other thing that many -- I can't</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">42</p> <p>1 cars, before people entering the center from Godwin</p> <p>2 Avenue would T into that queue?</p> <p>3 In other words, how many extra cars --</p> <p>4 MR. DEAN: I think I understand.</p> <p>5 So I'm going to point, if that's okay,</p> <p>6 and it's visible.</p> <p>7 So our main access from Godwin is in</p> <p>8 the midpoint of A-9. To the east is an out -- excuse</p> <p>9 me.</p> <p>10 To the east is an out-parcel we don't</p> <p>11 control. So then we have the trash enclosure and</p> <p>12 some parking spaces.</p> <p>13 Do I understand correctly your question</p> <p>14 is -- I'll use my hand -- how many vehicles would</p> <p>15 queue onsite before somebody --</p> <p>16 CHAIRMAN ANDERSON: Correct.</p> <p>17 MR. DEAN: -- couldn't come in? About</p> <p>18 Seven more cars.</p> <p>19 CHAIRMAN ANDERSON: Seven more than 11?</p> <p>20 MR. DEAN: Eleven.</p> <p>21 So there would be 18 total vehicles</p> <p>22 queued up to the -- I'll say the T intersection of</p> <p>23 the access from Godwin and the main east/west aisle.</p> <p>24 CHAIRMAN ANDERSON: Okay. And cars</p> <p>25 entering the center from Rea Avenue, how do they get</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">44</p> <p>1 say all -- but Taco Bell is one of them. We've all</p> <p>2 been accustomed to smart phones. And through apps,</p> <p>3 there is a way to preorder, pay, and so it cuts down</p> <p>4 on all of that service time to sit in line.</p> <p>5 So for those customers, which are</p> <p>6 increasing daily as people become more comfortable</p> <p>7 with technology, rather than sitting in the line to</p> <p>8 talk to the person and place an order and have it</p> <p>9 made, for those that really want to get in and out,</p> <p>10 they will preorder, park, walk in, pick up the bag</p> <p>11 that's already there with their name on it and walk</p> <p>12 right out. So the whole process can be done in one</p> <p>13 minute instead of four or five or longer.</p> <p>14 So technology is always improving</p> <p>15 customer service. So that's what we've seen.</p> <p>16 Starbucks is doing it. Dunkin' has done it for a</p> <p>17 while. Taco Bell has had it for at least a</p> <p>18 year-and-a-half.</p> <p>19 So that's why this queuing issue --</p> <p>20 there are some outliers. Starbucks still does some</p> <p>21 good queuing, depending on where it is.</p> <p>22 And Chick-Fil-A in a league of their</p> <p>23 own. But Taco Bell in particular, just because of</p> <p>24 the nature of their menu, as I indicated, their</p> <p>25 service times are generally faster than the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">45</p> <p>1 competitors.</p> <p>2 CHAIRMAN ANDERSON: Have you looked at</p> <p>3 the traffic flows along Godwin?</p> <p>4 And what I'm -- and I don't know</p> <p>5 whether you can answer this or not. Can you tell,</p> <p>6 either from your data sources or what you've seen at</p> <p>7 the site, a likely percentage of people who would</p> <p>8 access the center from either Godwin or Rea?</p> <p>9 In other words, is it more likely from</p> <p>10 what -- if you can tell, that they would access from</p> <p>11 Godwin or from Rea.</p> <p>12 MR. DEAN: I don't -- I don't have a</p> <p>13 good sense for that, Mr. Chairman.</p> <p>14 Godwin has, I'll say, some unusual lane</p> <p>15 striping. You know, there's two lanes that become</p> <p>16 one lane in each direction. And they fall and drop.</p> <p>17 The good news is that there are dedicated turn lane</p> <p>18 -- there is a dedicated turn lane to come into the</p> <p>19 center at the main driveway.</p> <p>20 So I think traffic that originates from</p> <p>21 the west will gravitate toward that driveway and then</p> <p>22 circulate in that direction.</p> <p>23 The traffic that comes from the east, I</p> <p>24 think it could be 50/50. Half of those people may</p> <p>25 say, why do I want to go past my destination and</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">47</p> <p>1 So just in terms of roadway carrying, I</p> <p>2 can see maybe a little more traffic, but I'm</p> <p>3 speculating at this point.</p> <p>4 CHAIRMAN ANDERSON: Just for sake of</p> <p>5 argument, let's say -- let's say it's 50/50 entering</p> <p>6 from Rea or from Godwin.</p> <p>7 Do you think as far as the circulation</p> <p>8 on the site that makes any difference?</p> <p>9 MR. DEAN: No. I expect -- and I don't</p> <p>10 know whether I'm proud to admit or embarrassed to</p> <p>11 admit. I like Taco Bell. I think it's a fairly good</p> <p>12 product. You know, it tastes good. I visit one</p> <p>13 regularly, Route 22, Bridgewater, New Jersey, where</p> <p>14 the highway traffic, what I call the exposure</p> <p>15 traffic, is probably four times higher than what we</p> <p>16 see on Godwin, a three-lane state highway. Five cars</p> <p>17 is the typical queue at Taco Bell. I can't say it's,</p> <p>18 you know, never been longer, but at peak lunchtime.</p> <p>19 So we've used -- and I've cited seven</p> <p>20 as the standard. This holds 11. So whether they</p> <p>21 come in from the west or from the east, it's not</p> <p>22 everyone coming in at once, you know, going to the</p> <p>23 Giants where you just have all of this conflict.</p> <p>24 Every other minute, every minute, there</p> <p>25 will be someone who comes in and turns right and</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">46</p> <p>1 double back; I'll just come up Rea and turn left.</p> <p>2 Other people are just accustomed to using the main</p> <p>3 driveway. I don't have a good sense of that</p> <p>4 east-oriented traffic.</p> <p>5 CHAIRMAN ANDERSON: But based on some</p> <p>6 prior testimony as to where I think the sign is going</p> <p>7 to be and every else, it would appear to me that</p> <p>8 people coming from the east would go in Rea. They</p> <p>9 would not drive past it and look for another</p> <p>10 entrance.</p> <p>11 So to me it would seem, depending --</p> <p>12 and I don't know where you anticipate your business</p> <p>13 coming from, whether it's coming more from the west,</p> <p>14 or the east, or whatever.</p> <p>15 But it seems to me there would be a</p> <p>16 fairly substantial percentage of people accessing the</p> <p>17 site from Rea Avenue.</p> <p>18 MR. DEAN: Again, we didn't, you know,</p> <p>19 do a whole traffic study and look at every one of the</p> <p>20 driveways. Our focus was contrasting the old use</p> <p>21 with the new use and not redoing the whole center.</p> <p>22 We have a fairly significant main</p> <p>23 intersection just to our west. That is the</p> <p>24 intersection of, you know, two county roads carrying</p> <p>25 a fair amount of traffic.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">48</p> <p>1 someone who may turn left.</p> <p>2 I think it's a very orderly -- and it</p> <p>3 won't be any different than what the bank did, just a</p> <p>4 little higher volume at lunchtime. So I'll have to</p> <p>5 defer to whatever your experience was as local</p> <p>6 residents with how that functioned, but it's the same</p> <p>7 customer base.</p> <p>8 CHAIRMAN ANDERSON: In your testimony,</p> <p>9 the queue that's actually not in the lane, that's 11,</p> <p>10 right, to get to the --</p> <p>11 MR. DEAN: Eleven fits.</p> <p>12 And on the plan, you'll see they've</p> <p>13 been labeled. The 12th one fits about halfway in the</p> <p>14 lane.</p> <p>15 So I say 11 fit entirely within the</p> <p>16 system.</p> <p>17 CHAIRMAN ANDERSON: And I believe it's</p> <p>18 your testimony that if the lane is full and people</p> <p>19 are coming in the Rea Avenue entrance, that they</p> <p>20 won't get online, that they'll go park.</p> <p>21 MR. DEAN: At the 11th vehicle, yes.</p> <p>22 CHAIRMAN ANDERSON: Yes.</p> <p>23 MR. DEAN: I can't conceive of there</p> <p>24 being 11.</p> <p>25 CHAIRMAN ANDERSON: No.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">49</p> <p>1 Obviously -- obviously what I'm</p> <p>2 thinking of is, you've got 11 in the queue. And</p> <p>3 let's say two cars come in from Rea Avenue. How are</p> <p>4 they going to get on the queue without blocking the</p> <p>5 entrance and exit?</p> <p>6 MR. DEAN: Sure.</p> <p>7 Well, they won't block the entrance.</p> <p>8 What will happen is, if they wait, it's sort of like</p> <p>9 the people that come in and they really want that one</p> <p>10 parking spot, what do they do?</p> <p>11 They sit there. The people behind them</p> <p>12 wait. I mean, it's not a safety issue. It's a</p> <p>13 convenience and somewhat of an inconsideration issue.</p> <p>14 So we're containing that activity off</p> <p>15 of the public streets. And the only thing it affects</p> <p>16 is circulation onsite.</p> <p>17 But because we have this extra aisle,</p> <p>18 you know, there's another failsafe mechanism in there</p> <p>19 that allows people to -- the impatient ones, you</p> <p>20 know, if that person is just paused waiting and they</p> <p>21 really want to get to CVS, they just go up and</p> <p>22 around.</p> <p>23 CHAIRMAN ANDERSON: I understand all</p> <p>24 that.</p> <p>25 But my point is, a person comes Rea</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">51</p> <p>1 doing what they're supposed to do, before it would</p> <p>2 impact the borough road of Rea Avenue?</p> <p>3 MR. DEAN: Correct.</p> <p>4 CHAIRMAN ANDERSON: Because that was my</p> <p>5 concern.</p> <p>6 MR. DEAN: And what I was describing --</p> <p>7 that would be an awful lot of Taco Bell customers.</p> <p>8 But for those customers who don't have</p> <p>9 anything to do with Taco Bell and they want to go to</p> <p>10 the other tenants, they can get around that on the</p> <p>11 upside.</p> <p>12 So that would be --</p> <p>13 CHAIRMAN ANDERSON: Well, if there's</p> <p>14 only one. Not if there's four.</p> <p>15 MR. DEAN: Understood.</p> <p>16 To me, it's unconceivable to have 11</p> <p>17 stacking at Taco Bell.</p> <p>18 But as we get to 15 and 16, that's why</p> <p>19 I said before, you'd park and walk in. It becomes</p> <p>20 self-policing and, you know, that circuit break</p> <p>21 tripping.</p> <p>22 CHAIRMAN ANDERSON: I understand.</p> <p>23 I'm only looking for the maximum</p> <p>24 possible problem. And it seems to me 15 cars, you</p> <p>25 can accommodate.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">50</p> <p>1 Avenue and now -- and the lane is full. The way I</p> <p>2 believe you anticipate this happening is, that person</p> <p>3 is going to proceed westerly and then turn around and</p> <p>4 come back and get on the queue?</p> <p>5 MR. DEAN: No, no.</p> <p>6 I'm sorry. I didn't understand that</p> <p>7 question.</p> <p>8 There are a lot of hypotheticals. If</p> <p>9 that 11th person -- and again just a hypothetical --</p> <p>10 and the 12th person comes in from Rea, just like we</p> <p>11 do at any street, we wait until there's a gap.</p> <p>12 And when it's safe and there's no</p> <p>13 opposing traffic, we turn. Everyone behind us waits.</p> <p>14 That's just the rules of the road.</p> <p>15 CHAIRMAN ANDERSON: Okay. So they do</p> <p>16 that. Let's say they do that. How many cars once</p> <p>17 they're sitting there waiting for their -- they don't</p> <p>18 block the exit -- how many cars can sit there behind</p> <p>19 them to Rea Avenue?</p> <p>20 MR. DEAN: Four.</p> <p>21 CHAIRMAN ANDERSON: Four, okay.</p> <p>22 MR. DEAN: Correct. So now I'm up to a</p> <p>23 queue of 15. I mean it's a...</p> <p>24 CHAIRMAN ANDERSON: All right. So</p> <p>25 there could be -- there could be 15, even people not</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">52</p> <p>1 MR. DEAN: Yes.</p> <p>2 CHAIRMAN ANDERSON: Beyond that it's --</p> <p>3 at least if not conceivably impossible, that it could</p> <p>4 impact Rea Avenue. That's my only -- and I</p> <p>5 understand you are saying that it's not impossible,</p> <p>6 highly unlikely.</p> <p>7 MR. DEAN: That is correct, yes.</p> <p>8 CHAIRMAN ANDERSON: These a.m. midday</p> <p>9 and p.m. peaks, what are those hours.</p> <p>10 MR. DEAN: Sure.</p> <p>11 It's a single 60-minute period.</p> <p>12 Traffic engineers talk about peak hours. It's</p> <p>13 whenever it's busiest.</p> <p>14 So by way of example -- and I'm not</p> <p>15 saying it specifically occurs -- but it's somewhere</p> <p>16 between 7:30 and 8:30 in the morning. Lunchtime is</p> <p>17 generally noon to 1:00. Sometimes it's 11:45 to</p> <p>18 12:45. But it is a 60-minute window where --</p> <p>19 CHAIRMAN ANDERSON: I apologize. Let</p> <p>20 me interrupt you a minute.</p> <p>21 The ITE data.</p> <p>22 MR. DEAN: Yes.</p> <p>23 CHAIRMAN ANDERSON: Then are you saying</p> <p>24 when they say a.m. peak, that peak hour may be</p> <p>25 different for different uses or different locations,</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

1 or is it always 7 to 8 or 8 to 8:30; in other words,
 2 what hours are we talking about?
 3 MR. DEAN: Sure.
 4 That's a very good observation. It's
 5 not any specific hour. When ITE -- when we collect
 6 all this data --
 7 I'll give you an example. In the
 8 morning, we send somebody out for two hours, 7 to 9.
 9 That's our typical commuting hour. We count every
 10 15 minutes. So we look at every 15 minutes. We have
 11 eight intervals. We find the four consecutive ones
 12 that are the busiest. That becomes the peak hour.
 13 And when this data gets sent to ITE,
 14 it's for that peak hour whenever it occurred.
 15 So, you know, in Midland Park it might
 16 be 7:30 to 8:30. In Ridgewood it might be 7:45 to
 17 8:45. In Ramsey it might be a different time. But
 18 the data that gets submitted is still for the busiest
 19 60 minutes that we counted whenever it happened.
 20 CHAIRMAN ANDERSON: And wherever it is?
 21 MR. DEAN: Correct.
 22 But it is particular to the use. For
 23 example, a movie theater's peak hour is 7 o'clock at
 24 night. A Dunkin' Donuts is oftentimes, you know,
 25 somewhere 7 to 8 in the morning.

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1 So it does vary by the use.
 2 But when we compare this, for example,
 3 we're looking at the midday peak for a bank; it's
 4 noontime, not 3. It's noon. So it's a side-by-side
 5 comparison.
 6 CHAIRMAN ANDERSON: Right.
 7 Using your ITE data, we'll pick one.
 8 Let's say the midday peak. If you hit that midday
 9 peak, what would be the use of your aisle? How many
 10 cars would be in the field during your peak? Can you
 11 tell that?
 12 MR. DEAN: Yes.
 13 That's where we would expect at that
 14 peak time -- and that's why all of this is designed
 15 for the absolute peak-peak, not evening peak when
 16 there's less demand, but it's when the system is most
 17 loaded and busiest -- seven is the recommended
 18 stacking for a Mexican-themed quick-service
 19 restaurant.
 20 So that is the peak. That is the
 21 maximum queue.
 22 CHAIRMAN ANDERSON: That's not my
 23 question.
 24 MR. DEAN: Okay.
 25 CHAIRMAN ANDERSON: My question is,

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1 whatever the peak is, 100 and however many.
 2 MR. DEAN: Yes, 103, sure, trips.
 3 So it's 50-some-odd, but yes.
 4 CHAIRMAN ANDERSON: So 52-and-a-half
 5 cars, 51-and-a-half cars. You're looking at four
 6 15-minute intervals?
 7 MR. DEAN: Yes.
 8 CHAIRMAN ANDERSON: Correct.
 9 Is it that those 15-minute intervals
 10 all have the same number of cars?
 11 For instance, what I'm thinking is,
 12 103, there could be 10 in the first 15 minutes, 10 in
 13 the last 15 minutes, and the other 80 are in the
 14 intervening half-hour.
 15 And my question is, during the peak
 16 period, can you tell, or can your data tell us, how
 17 many would be the most cars at one time?
 18 MR. DEAN: Sure.
 19 That's what we did for Wendy's. It's
 20 exactly what we did for Wendy's.
 21 Wendy's peak, the busiest it ever was
 22 at lunchtime was 10. That's the peak. That's peak
 23 queuing.
 24 So that is -- the peak 15 minutes, that
 25 is the worst that we ever saw.

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1 CHAIRMAN ANDERSON: And you would
 2 expect that to hold true for this.
 3 MR. DEAN: I would expect it to be less
 4 than that, yes.
 5 MR. WHITAKER: Your expectation there
 6 is the seven.
 7 MR. DEAN: Correct.
 8 CHAIRMAN ANDERSON: Does anybody else
 9 have any questions before we get to Mr. Dobiszewski?
 10 VICE CHAIRMAN PAPAPIETRO: Yes, just a
 11 couple questions.
 12 With the traffic study -- and Les asked
 13 some question about the timing. That was the
 14 question I had.
 15 But the other question is, does this
 16 timing include people that walk in as well, the
 17 volume in here, people that park and walk in, or is
 18 this strictly drive-through?
 19 MR. DEAN: On Table 1.
 20 VICE CHAIRMAN PAPAPIETRO: Yes.
 21 MR. DEAN: Yes.
 22 That's everyone who drove to the site.
 23 VICE CHAIRMAN PAPAPIETRO: So the
 24 walk-in customer and your drive-through?
 25 MR. DEAN: Correct.

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<p style="text-align: right;">57</p> <p>1 VICE CHAIRMAN PAPAPIETRO: The other 2 question, I want to go back to the stacking. You 3 mentioned that cars coming in from Godwin, then they 4 could stack to the right there. 5 And you indicated, I think four -- 6 potentially four cars. 7 But aren't there parking spaces there 8 to the right of those cars, and also there are 9 parking spaces to the left as well? 10 And wouldn't that impede people looking 11 to park there or looking to exit those parking spaces 12 by having cars stacked there? 13 MR. DEAN: I don't think cars will ever 14 stack there. I hope that's clear. It was -- it was 15 in response to a very specific question, which is, if 16 we exceed 11, how many fit before we affect the 17 ingress from Godwin? I don't expect it will ever 18 queue. 19 So to your point, doesn't it block 20 parking spaces, yes, it will. 21 VICE CHAIRMAN PAPAPIETRO: It will. 22 MR. DEAN: Yes. 23 VICE CHAIRMAN PAPAPIETRO: I'm 24 concerned about safety in the parking lot and, you 25 know, access for people that are shopping elsewhere LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">59</p> <p>1 will stack and block the trash enclosure. 2 If they -- even -- even -- even if that 3 scenario were to occur, I can still fit four cars 4 before I block a parking space. 5 So now I've got a queue of 15 cars. 6 It's labeled on the plan. I know it's difficult to 7 see. But it's space 124. Everything to the east of 8 that is a trash enclosure or it's not -- not parking 9 areas. 10 VICE CHAIRMAN PAPAPIETRO: Okay, thank 11 you. 12 MR. DEAN: You're welcome. 13 MR. ZUIDEMA: I have a question, maybe 14 two, I think it comes under the -- you know, your 15 expertise. 16 Are you guys going to be doing 17 DoorDash? Because then you're adding to cars. 18 Because online I was just looking at, there are those 19 Taco Bells that do do that. 20 MR. WHITAKER: Yeah. 21 There was testimony from our operator 22 back at the first one that said, yes, there's 23 DoorDash, and there will be parking spaces. 24 They park and walk in and grab the bag. 25 They don't go in the drive-through. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">58</p> <p>1 and things like that. 2 So that's a concern I have is stacking 3 in that parking lot. I'm glad it's not stacking in 4 the street obviously, but the parking lot is a 5 problem. 6 MR. DEAN: Understood. 7 We're not designing for that. We're 8 not showing a queuing lane. We're not -- we're not 9 ever expecting cars would stack there. 10 As a customer, if the drive-through is 11 filled -- I can't conceive, first off, that we'll get 12 to 11. 13 But under the scenario we did, I can't 14 conceive of somebody saying, I'm going to sit in my 15 car and I'm going to wait 20 minutes to get my lunch. 16 I'm going to park and walk there. That's how it 17 works at every driveway through operation. 18 Unless, for example, in the old days -- 19 maybe I'm dating myself -- banks used to close. They 20 used to close their lobby at 3. So you could only 21 use the drive-through at certain times. We don't 22 have that with this use. The customer always has the 23 option to park and walk in. 24 So I don't endorse, I don't foresee, I 25 don't predict, and it is not my testimony that cars LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">60</p> <p>1 MR. ZUIDEMA: Okay. The second 2 question is that, in the State of New Jersey, the law 3 is 53 feet for a tractor trailer. That's what you're 4 allowed. 5 Other states are actually more, but New 6 Jersey is allowed 53. 7 How do you think, or how is it planned 8 for the tractor trailer -- because I'm assuming it's 9 what it's going to be, because less trips, more fuel. 10 I mean, if they're going around to the Taco Bell in 11 Saddle Brook or whatever. 12 How does that tractor trailer -- 13 because there's one over at the Starbucks that parks 14 on the road, which is a different subject. 15 But he's 53 feet. It's a big piece of 16 equipment. How does he get in there? Where -- when 17 he parks, does he -- this comes under the 18 transportation part of it. 19 If he unloads from the side, then we're 20 blocking all that traffic that comes through. 21 If he loads from -- how does -- he 22 can't turn around. So how does he get in there, and 23 then how does he park? 24 MR. DEAN: I can't predict how these 25 deliveries may occur. What we have depicted on the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 plan is the conforming loading zone.
 2 And you've heard that it will be done
 3 at hours that don't conflict.
 4 So how will that truck do that? He has
 5 two options. One is to come in Godwin, turn left,
 6 flow clockwise and then pull forward with his
 7 tailgate nearest the trash enclosure (indicating).
 8 And I know I'm pointing. Forgive me.
 9 If it's not visible, I'll do a better
 10 way to describe it.
 11 So then all of that product has to be
 12 brought around the front of the truck and into the
 13 store.
 14 The alternative is the truck enters via
 15 Rea, pulls in a westerly direction, so he's basically
 16 facing the wrong way, but then his tailgate is
 17 closest to the store.
 18 MR. ZUIDEMA: He can't enter through
 19 Rea Avenue. That's impossible.
 20 MR. DEAN: Yeah.
 21 I don't...
 22 MR. ZUIDEMA: Okay. I just...
 23 CHAIRMAN ANDERSON: The turning radius.
 24 MR. ZUIDEMA: You can't -- you can't
 25 enter through Rea. You can only get in with a

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1 pickup. So you can't enter through Rea. So there's
 2 one option. It's probably Godwin or Erie, or you
 3 have to come from Erie.
 4 And then Erie means you're kind of
 5 going the wrong way.
 6 So being that as it may, I'm asking the
 7 question just for -- we can follow up on that.
 8 The other thing is that -- one other
 9 thing is that you mentioned Chick-Fil-A. When they
 10 first opened up, the line is out on Route 17. You
 11 know, now it's calmed down. So I take it that Taco
 12 Bell -- is the closest one in Ramsey?
 13 MR. DEAN: That, I don't know.
 14 MR. ZUIDEMA: Okay, I think it is.
 15 MR. DEAN: I'm not that big a fan.
 16 MR. ZUIDEMA: So if you are a Taco Bell
 17 fan and one opens in Midland Park, Ramsey is about
 18 five miles up that way, or there's one in Saddle
 19 Brook. I think there's one in Paramus.
 20 Don't you expect this thing to, kind
 21 of, get like -- finally Taco Bell is open. Don't you
 22 see initially your queuing be a little -- a little --
 23 it would be a little tight, correct, or not?
 24 MR. DEAN: I don't. And here's why.
 25 We represented Sonic when they first came into New

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1 Jersey. And I remember the one that opened on
 2 Route 17 in Hasbrouck Heights. They had police
 3 controls, a half-a-mile delay. That was the first
 4 one.
 5 Every planning and zoning board meeting
 6 I went to, everyone in the state knew about what a
 7 problem Sonic was.
 8 Then we did one in Green Brook. Then
 9 we did one in Franklin. And we did one in
 10 Flemington. We did one in Howell. And it became a
 11 big snooze.
 12 Why? Because people figured it out.
 13 Either A, it's not that big a deal, or it's just
 14 food.
 15 I mean, it's just another quick-serve
 16 operator.
 17 So I have yet to see the same
 18 circumstance with Sonic anymore. Taco Bell has been
 19 in the state for 35 years or so. It's not -- it
 20 doesn't have that same novelty as a Chick-Fil-A or
 21 even Sonic when they first opened.
 22 So I don't expect -- there's always a
 23 honeymoon period where operationally they overstaff,
 24 they make sure that the operator is hitting his marks
 25 and they have internal times for processing of

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1 customers.
 2 After that honeymoon phase or grand
 3 opening and free giveaways that always attract more
 4 traffic, it will normalize to what we typically see.
 5 If this were the only Taco Bell, the
 6 first one to open in New Jersey, very different
 7 scenario.
 8 But there are enough around that
 9 they've saturated the market that it's -- it's
 10 delicious, but, I mean, it's not I'm going to drive
 11 30 miles out of my way to check out something I
 12 haven't seen before.
 13 So there's that.
 14 But, yes, those types of precautions
 15 for that grand opening, whether it's requiring
 16 additional police control, making sure things are
 17 organized, that is a typical practice.
 18 MR. ZUIDEMA: I think the board
 19 probably should consider what size truck goes in
 20 there, because a truck can't make a three-point turn.
 21 And the parking lot is never, even at 5:00 in the
 22 morning -- I'm thinking CVS is open all hours.
 23 But I think that that has to be
 24 addressed at some point during this hearing.
 25 And I'm just maybe asking for your

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<p style="text-align: right;">65</p> <p>1 thought about not kind of, oh, it will work.</p> <p>2 MR. DEAN: Fair point.</p> <p>3 MR. ZUIDEMA: But that type of answer</p> <p>4 may not -- with that big of a truck, it would be --</p> <p>5 like you had said, to come in off of Rea.</p> <p>6 So maybe we should become a little more</p> <p>7 familiar about -- there's a huge dip at Godwin, which</p> <p>8 I'm not saying that the truck is going to bottom out,</p> <p>9 but it's very, very difficult to get into that site</p> <p>10 with that size truck.</p> <p>11 And I think most of these, like,</p> <p>12 Driscoll Foods and most of these people, they're</p> <p>13 running the max size trailer because of the employee</p> <p>14 in it, the fuel, and then the -- you know, the amount</p> <p>15 of stops they could make.</p> <p>16 If they can go to ten Taco Bells with a</p> <p>17 53, then they're not going to go with a 40 and only</p> <p>18 be able to get to, you know, half.</p> <p>19 MR. DEAN: Understood.</p> <p>20 I think between Mr. Missey and I and</p> <p>21 the next hearing, we'll spend some time with the</p> <p>22 templates. We'll look at, you know, can it</p> <p>23 physically fit.</p> <p>24 I respect and understand your position</p> <p>25 regarding Rea. You know, maybe that truck circulates</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">67</p> <p>1 Say, in the event that we have 15 going</p> <p>2 out to Rea, right. You've got people coming into Rea</p> <p>3 and stacking there, and it's blocking the exit out of</p> <p>4 the Taco Bell, right? And people wanted to go to</p> <p>5 Godwin. They're going to go out to Rea.</p> <p>6 How long do you think that would take</p> <p>7 to kind of resolve itself?</p> <p>8 MR. DEAN: Again, I don't know if I can</p> <p>9 beat this drum loudly enough. I can't ever conceive</p> <p>10 of 15 cars stacking where that scenario occurs.</p> <p>11 I do appreciate the board's concern.</p> <p>12 That's why I do what I do, and we model, and we fly</p> <p>13 drones. And we look and we study this information.</p> <p>14 To your point, we don't ever want a</p> <p>15 circumstance where it's gridlocked. The good news</p> <p>16 is, because we drive on the right-hand side of the</p> <p>17 road, the exit to the Taco Bell would always be open.</p> <p>18 What they can't do is, obviously, turn</p> <p>19 directly left and go directly back through the</p> <p>20 shopping center.</p> <p>21 But there always is the safety valve</p> <p>22 for that person to turn right and go out to Rea,</p> <p>23 because that wouldn't be blocked.</p> <p>24 I just, again prefaced on a Taco Bell</p> <p>25 or similar type operation in this size building, it's</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">66</p> <p>1 around the parking field. We need to look at that</p> <p>2 geometry. We also need to consult with the operator</p> <p>3 and their distribution system. So we will get you</p> <p>4 that information.</p> <p>5 MR. ZUIDEMA: Thank you.</p> <p>6 CHAIRMAN ANDERSON: Anybody else?</p> <p>7 MR. BARLOW: Yeah, I have one. I have</p> <p>8 one question. Regarding the employee parking, where</p> <p>9 would they park and is there enough space for them.</p> <p>10 MR. DEAN: Sure.</p> <p>11 The center has abundant parking.</p> <p>12 Typically the operator likes to leave the closest</p> <p>13 spaces for customers. Employees are typically</p> <p>14 directed to park in the perimeter spaces.</p> <p>15 I don't have any specific operational</p> <p>16 practice information from the operator, but as a</p> <p>17 standard business practice, you leave the spaces for</p> <p>18 customers, yes.</p> <p>19 MR. BARLOW: Right.</p> <p>20 MR. DEAN: But we'll figure that out</p> <p>21 before the next meeting as well.</p> <p>22 MR. BARLOW: Okay.</p> <p>23 MR. ELIYA: Yeah.</p> <p>24 One question about this stacking, going</p> <p>25 back to the stacking.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">68</p> <p>1 not a 4,000-square-foot Chick-Fil-A. We just can't</p> <p>2 have queuing that long. That means the operator is</p> <p>3 doing something wrong.</p> <p>4 So I understand the concern. I don't</p> <p>5 know how to better help you with your comfort level</p> <p>6 other than all I can suggest is, pretend you're the</p> <p>7 15th car in line, why would you be here?</p> <p>8 MR. BARLOW: I've definitely seen</p> <p>9 people who do it. And we see it all over in plenty</p> <p>10 of places. I see it in town. I see it in different</p> <p>11 towns. People in the street. I wouldn't do it</p> <p>12 but...</p> <p>13 MR. DEAN: You know, we have</p> <p>14 competitors in the area that, you know, if we're at</p> <p>15 11 and they're at seven, you know, unless it's a very</p> <p>16 hardcore fan that needs their taco, again, the</p> <p>17 commonsense -- not everyone follows commonsense --</p> <p>18 it's park and walk in.</p> <p>19 And -- but over time, specifically with</p> <p>20 the apps, we are seeing processing be much more</p> <p>21 efficient and faster.</p> <p>22 MR. ZUIDEMA: I think the board is --</p> <p>23 going with my board member here, the peak -- the</p> <p>24 place across the street, the Starbucks, there was a</p> <p>25 big to-do over all that, part of the queuing.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">69</p> <p>1 And we got -- we got, kind of, tricked</p> <p>2 on that because now what they do is they come out,</p> <p>3 they go down the street, and they block the out --</p> <p>4 the out -- out lane of Starbucks.</p> <p>5 Okay. So you say, well, that's your</p> <p>6 problem now; you live with it. Okay.</p> <p>7 So I think what we're concerned about</p> <p>8 is that it happened there, and that's less than a</p> <p>9 half-a-mile away from what we're doing now.</p> <p>10 So, no, we don't want to assume that</p> <p>11 the lady with the three kids in the car is going to</p> <p>12 say, okay, you have to wait. They're going to wait</p> <p>13 to get whatever, you know, you're going to get there,</p> <p>14 a taco.</p> <p>15 So it's happened in Midland Park, so we</p> <p>16 already have experienced that. And as the traffic</p> <p>17 expert, you know, I'm not looking for you to, like,</p> <p>18 wave a wand over it, but, like, we're trying to</p> <p>19 address, do we want the same situation where</p> <p>20 everybody is all up in the air on the other street</p> <p>21 there?</p> <p>22 MR. WHITAKER: Can you explain the</p> <p>23 difference between the different animal that</p> <p>24 Starbucks is compared to a Taco Bell?</p> <p>25 MR. DEAN: Sure.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">71</p> <p>1 MR. WHITAKER: -- something that's --</p> <p>2 the question that's asked about 15, that it's</p> <p>3 something that's reasonable.</p> <p>4 When you have the data that says that</p> <p>5 seven is the max and we have queuing for 11, and you</p> <p>6 say can you accommodate double the max and we say</p> <p>7 yes, why would we go beyond that? Do you follow?</p> <p>8 In other words, we have given you the</p> <p>9 data from -- not that we've created, but it's come</p> <p>10 out of the ITE manual.</p> <p>11 And with the questions you have asked,</p> <p>12 we're not going to go past seven, but if we did, we</p> <p>13 can accommodate up to 11, and we can accommodate up</p> <p>14 to over double the seven, up to 14.</p> <p>15 MR. ZUIDEMA: Did Chick-Fil-A come out</p> <p>16 of the ITE manual?</p> <p>17 MR. WHITAKER: Chick-Fil-A is a</p> <p>18 different animal totally.</p> <p>19 MR. ZUIDEMA: I'm just saying, did it</p> <p>20 come out of the ITE manual?</p> <p>21 MR. WHITAKER: My -- I mean, I'll let</p> <p>22 Mr. Dean talk about it.</p> <p>23 MR. ZUIDEMA: He doesn't need to talk</p> <p>24 about it. I mean, you go by the ITE manual.</p> <p>25 Like, what happened there?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">70</p> <p>1 It's a little difficult. I do work for</p> <p>2 Starbucks.</p> <p>3 MR. ZUIDEMA: No. I get it.</p> <p>4 You don't even have to explain it. I'm</p> <p>5 not -- listen, I'm not that stupid.</p> <p>6 MR. WHITAKER: I wasn't suggesting</p> <p>7 that.</p> <p>8 MR. ZUIDEMA: What I'm saying is that,</p> <p>9 you can get a croissant, you can get a coffee, you</p> <p>10 can get all these mocha things and everything else.</p> <p>11 You're telling me, yeah, it is a different food</p> <p>12 source.</p> <p>13 But still we have a problem in Midland</p> <p>14 Park with the queuing. Okay? And to say that -- I</p> <p>15 don't think the answer is good enough for me, is to</p> <p>16 just say, hey, you're going to leave because the line</p> <p>17 is too long. That's not good enough, I don't think,</p> <p>18 when you're talking something this big.</p> <p>19 MR. WHITAKER: I think you've got to</p> <p>20 look at the empirical data that we've provided to</p> <p>21 you.</p> <p>22 And when a board asks a hypothetical</p> <p>23 question, it's got to be a question that's within,</p> <p>24 with all due respect --</p> <p>25 MR. ZUIDEMA: It's not a hypothetical.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">72</p> <p>1 MR. WHITAKER: I'm told that the ITE</p> <p>2 manual is going to have a separate designation for</p> <p>3 Chick-Fil-A because it's a different animal.</p> <p>4 MR. DEAN: DOT is using a distinct</p> <p>5 category for Chick-Fil-A because of those issues.</p> <p>6 And I do work for Starbucks. I would</p> <p>7 never advocate for a Starbucks that seven or eight</p> <p>8 stacking is enough, because I know it isn't. I've</p> <p>9 studied it. I've sent my staff out. Tell me the</p> <p>10 longest queue we have in the morning. That's what we</p> <p>11 measure.</p> <p>12 I don't know how many your Starbucks</p> <p>13 has. I can't answer that. I wasn't the consultant.</p> <p>14 MR. ELIYA: I mean, if you want to talk</p> <p>15 about the empirical data, that's fine.</p> <p>16 You provided us with the study on</p> <p>17 Wendy's. Just the one day, but today and I think</p> <p>18 even yesterday, I saw it way out on the street. So</p> <p>19 if you get maybe an average of a couple days, it</p> <p>20 might be --</p> <p>21 MR. WHITAKER: But your study was more</p> <p>22 than a day.</p> <p>23 MR. DEAN: No. Just the one.</p> <p>24 MR. WHITAKER: Saturday, yes. The</p> <p>25 maximum day.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">73</p> <p>1 MR. DEAN: Right.</p> <p>2 On the weekday, we looked at it. We</p> <p>3 also looked at it on a Saturday. I gave you the</p> <p>4 worst weekday lunchtime.</p> <p>5 I do know because it's under renovation</p> <p>6 that they may not be operating the way they should be</p> <p>7 and certainly they way they will in the future.</p> <p>8 So, you know, here we are in July. I</p> <p>9 was out there in April. That was what, four months</p> <p>10 ago, three months ago.</p> <p>11 Possibly -- I'm not saying it was -- a</p> <p>12 little different circumstance with how their</p> <p>13 operations are working. I don't know that what you</p> <p>14 saw today is necessarily a fair apples-to-apples.</p> <p>15 But I do want to distinguish it.</p> <p>16 That's what make this site way better than Wendy's,</p> <p>17 is that we're all internal.</p> <p>18 And again, we're a different use in</p> <p>19 that Taco Bell's preparation of orders is a whole lot</p> <p>20 faster than Wendy's. There isn't grilling, there</p> <p>21 isn't fries that have to be fried and the like.</p> <p>22 So even in the QSR business where we</p> <p>23 have Chick-Fil-A is horrible traffic, quite frankly,</p> <p>24 and then we have things like Starbucks that are kind</p> <p>25 of in that range, and then we get the mid-level</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">75</p> <p>1 And I know this because the one on</p> <p>2 Route 4 next to what used to be Dress Barn, I did.</p> <p>3 And we are capitalizing on stacking.</p> <p>4 And it's different than the one on</p> <p>5 Route 17, because when I was before the Paramus board</p> <p>6 for that, they said Route 17 is terrible; we don't</p> <p>7 want that same thing on Route 4.</p> <p>8 And we said here's why it's terrible.</p> <p>9 The kitchen layout was inefficient. It was just not</p> <p>10 a modern ground-up building. So that's part of the</p> <p>11 problems we see with that, which is why I keep, you</p> <p>12 know, trying to say, these operators have learned</p> <p>13 retrofitting is not always the answer.</p> <p>14 And they have a very specific system on</p> <p>15 how to maximize efficiency.</p> <p>16 So we're not retrofitting the bank.</p> <p>17 We're scraping it down and rebuilding it to the</p> <p>18 current standards.</p> <p>19 But I do know there are problems.</p> <p>20 We're here not to replicate them. And I'm very</p> <p>21 sensitive to that.</p> <p>22 MR. CAPALBO: Two questions.</p> <p>23 MR. DEAN: Yes, sir.</p> <p>24 MR. CAPALBO: Did you do a traffic</p> <p>25 count on Godwin?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">74</p> <p>1 player, right.</p> <p>2 We have the Wendy's, the Burger King,</p> <p>3 the McDonald's. Then we have Taco Bell. Taco Bell</p> <p>4 is fast and quick by comparison, and not nearly as</p> <p>5 busy.</p> <p>6 MR. ZUIDEMA: There's more players here</p> <p>7 too because what you leave out is Popeyes.</p> <p>8 So now Popeyes, if you happen to be in</p> <p>9 one of these towns, whether on Route 46 or on -- you</p> <p>10 know where they are -- so Route 4.</p> <p>11 I want to know what the ITE for them</p> <p>12 is, because they're out in the road. And now this is</p> <p>13 -- even having been open. They're out on Route 4,</p> <p>14 you know, Route 17.</p> <p>15 MR. WHITAKER: Route 17.</p> <p>16 MR. ZUIDEMA: So, you know, I think</p> <p>17 it's kind of -- then they have deliveries on top of</p> <p>18 that.</p> <p>19 So ITE thing, I don't know if it's</p> <p>20 going to convince me on the board, but like... So</p> <p>21 address Popeyes.</p> <p>22 We can forget about Wendy's.</p> <p>23 MR. DEAN: That Popeyes was a retrofit.</p> <p>24 It wasn't designed from the ground up as a Popeyes.</p> <p>25 It was converted.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">76</p> <p>1 MR. DEAN: We did not, no. I have</p> <p>2 numbers because when we flew the drone, we can see</p> <p>3 the cars that passed.</p> <p>4 But I didn't tabulate it.</p> <p>5 MR. CAPALBO: The only one is kind of</p> <p>6 personal. How comfortable did you feel working for</p> <p>7 Lehigh and Lafayette?</p> <p>8 I mean, they're big rivals.</p> <p>9 MR. DEAN: Let's just say that I didn't</p> <p>10 wear my sweatshirt.</p> <p>11 You're absolutely right.</p> <p>12 CHAIRMAN ANDERSON: Does anyone else</p> <p>13 have questions before we get to Mr. Dobiszewski?</p> <p>14 (No response.)</p> <p>15 CHAIRMAN ANDERSON: I didn't want to</p> <p>16 butcher your last name.</p> <p>17 MR. DOBISZEWSKI: Actually, my</p> <p>18 congrats, you said it better than some of my friends.</p> <p>19 I'm going to stand for a little bit, if you don't</p> <p>20 mind.</p> <p>21 MR. SISS: Sir, would you raise your</p> <p>22 right hand?</p> <p>23 Do you swear the testimony you're about</p> <p>24 to give in this matter tonight will be the truth, the</p> <p>25 whole truth, and nothing but the truth?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">77</p> <p>1 MR. DOBISZEWSKI: I do. 2 F R A N K D O B I S Z E W S K I, P.E. 3 330 Phillips Avenue, South Hackensack, New 4 Jersey, having been duly sworn, testifies as 5 follows: 6 MR. SISS: Name and business address, 7 please. 8 MR. DOBISZEWSKI: My name is Frank 9 Dobiszewski. My last name is spelled D as in David, 10 O-B-I-S-Z-E-W-S-K-I. 11 Project Manager with Boswell 12 Engineering, 330 Phillips Avenue, South Hackensack. 13 MR. SISS: Would you give the board the 14 benefit of your qualifications and education? 15 MR. DOBISZEWSKI: I have a Bachelor's 16 in Science and Civil Engineering from NJIT. 17 I've been practicing for 40 years. 18 I am a registered Professional Engineer 19 in good standing with the state. 20 I'm also a Professional Traffic 21 Operations Engineer certified by the Transportation 22 Certification Board in the country. 23 And I've had my time in my career split 24 between public sector and private sector. And I've 25 been around a little bit so...</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">79</p> <p>1 agreed with the one gentleman up here is that the ITE 2 numbers are great and they're used quite extensively. 3 So what I did, I wanted to take a look 4 at a couple of other areas. And one area that I 5 wanted to look at is, is there any significant 6 accident history in and around the site, on the 7 streets or any of the access points? 8 And there was actually an attachment 9 onto my letter, and it showed that there was no 10 significant accident history here. 11 So that being said, I can't imagine 12 that anything would be generated that would make that 13 accident history change. Except I do see -- and I do 14 agree with Mr. Dean on one point, is that the 15 driveway being eliminated on Godwin is a very 16 positive thing, because it's reducing the number of 17 conflict points. 18 So I certainly think that's something 19 that we can -- that should be supported, potentially 20 for the rear-end collisions. 21 Now, a couple of things that I did here 22 when I started to look at the report was I wanted to 23 compare it not just to the ITE numbers, but I also 24 want to look at what the industry is doing as well. 25 One thing, Gary, if you could make</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">78</p> <p>1 MR. SISS: Mr. Whitaker. 2 MR. WHITAKER: No questions whatsoever. 3 CHAIRMAN ANDERSON: Any questions about 4 Mr. Dobiszewski's -- no. 5 MR. DOBISZEWSKI: Okay. 6 Good evening. A couple of questions 7 for you and a couple of other things that I heard 8 throughout the questions of your testimony. 9 I was making some notes here. 10 One thing that I did -- I just want to 11 clarify. You did mention pass-by credit? 12 Did you take any pass-by credit when 13 you did your numbers or your analysis? 14 MR. DEAN: I did not. 15 MR. DOBISZEWSKI: So it was 16 conservative. 17 MR. DEAN: Conservative in that it 18 would be the traffic that lines up on the site, so, 19 yes. 20 MR. DOBISZEWSKI: And again, what we 21 looked at was very specific in terms of what the 22 actual site would look like with the drive-through 23 using Dolan & Dean's report and then, basically, 24 backing in and saying does it make sense. 25 One of the things that I certainly</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">80</p> <p>1 available to us the drone footage that you recorded, 2 I think that would be very useful. 3 MR. DEAN: I will do that, yes. 4 MR. DOBISZEWSKI: Okay, thank you. 5 So one thing I think Gary didn't 6 differentiate is, when ITE looks at the land uses, it 7 also looks at where these land uses are, densely 8 populated urban versus a suburban setting, such as 9 what we have up here in Midland Park. 10 As far as the distribution goes for the 11 number of trips in a 24-hour period, for this area, 12 for this particular site, which is the land use is 13 what they call Code 934, fast-food restaurant with a 14 drive-through window, the typical peak during the 15 weekend occurs between 12 and 1 p.m., with 12 percent 16 of the total daily traffic coming through in that one 17 particular hour. 18 And then on Saturday, it's right around 19 the same time as well, between 12 and 1. 20 So what this is, this is a distribution 21 throughout the day from midnight until midnight by 22 hour for this particular use, the size of the, 23 building taking into account the square footage and 24 the number of trips that are going to be generated, 25 this is what they're saying.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">81</p> <p>1 So at 12 percent during the weekday for</p> <p>2 this particular use is at 12 percent of whatever that</p> <p>3 number is.</p> <p>4 Now, the pass-by trip credit that he</p> <p>5 mentioned -- and that's something that I think is</p> <p>6 very important to remember -- is that what we're</p> <p>7 looking at here in terms of traffic, these are not</p> <p>8 going to be new trips. These are trips, as Gary had</p> <p>9 said -- and I concur with him in his report -- that</p> <p>10 these are trips that are people that are already on</p> <p>11 the road. They're going to stop off. They're going</p> <p>12 to get their gas. They're going to go. They're</p> <p>13 going to stop at Taco Bell or Wendy's or wherever.</p> <p>14 They're going to continue on their way.</p> <p>15 So there's very few instances where a</p> <p>16 trip to this particular type of land use is the only</p> <p>17 reason why a person is on the road getting in their</p> <p>18 car to make that trip.</p> <p>19 Now, one thing I think is the most</p> <p>20 important -- because I'm very concerned about the</p> <p>21 queue as well.</p> <p>22 So, yes, ITE is great. But ITE is a</p> <p>23 collection of studies that are done from around the</p> <p>24 country. And in this particular instance, they did</p> <p>25 focus on the northeast.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">83</p> <p>1 all this other information is gathered and it's</p> <p>2 thrown into this mix and it's generated based upon</p> <p>3 the data that they collected for that particular day.</p> <p>4 October 27th in 2022, turns out Taco</p> <p>5 Bell, they said, had the best processing times of the</p> <p>6 other fast-food restaurants.</p> <p>7 Now, what they're looking at here is</p> <p>8 that they have a chart. Was this in the report? I</p> <p>9 hope you didn't get it.</p> <p>10 CHAIRMAN ANDERSON: This.</p> <p>11 MR. DOBISZEWSKI: The last page. Yep,</p> <p>12 that's the one.</p> <p>13 CHAIRMAN ANDERSON: It's in your</p> <p>14 report, yeah.</p> <p>15 MR. DOBISZEWSKI: Okay. Then if you</p> <p>16 reference that, what this is, this is a breakdown of</p> <p>17 that information that they gathered from this</p> <p>18 October 17, 2022 study. This is summarized.</p> <p>19 And what they did here is, how many</p> <p>20 vehicles were in line in front of you when you pulled</p> <p>21 into this drive-through.</p> <p>22 If you look, they go from zero all the</p> <p>23 way up to nine and then 10-plus cars, and they have</p> <p>24 percentages.</p> <p>25 So not a surprise here, because we did</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">82</p> <p>1 NJ DOT also has their own trip</p> <p>2 generation rates. So I wanted to compare what the</p> <p>3 NJ DOT numbers are with the ITE numbers, and they're</p> <p>4 practically identical.</p> <p>5 So what that's saying is that if this</p> <p>6 particular site was on a state highway and they were</p> <p>7 looking for frontage on a state highway, that there</p> <p>8 would be a trip generation number that would be</p> <p>9 generated for this particular use, and that's what</p> <p>10 they would use as the basis for determining what the</p> <p>11 traffic impact was going to be.</p> <p>12 So in that regard, they're very close</p> <p>13 and so I felt comfortable with that number.</p> <p>14 Moving on to the final, I wanted to see</p> <p>15 what the industry was saying about this as well. And</p> <p>16 what wasn't mentioned -- I'm surprised actually,</p> <p>17 Gary, that you didn't mention it -- was that there</p> <p>18 was a report. There's a publication called "QSR."</p> <p>19 And every year around October/November they do what</p> <p>20 they call a drive-through survey.</p> <p>21 What this is, they actually send people</p> <p>22 out to a number of restaurants and they observe and</p> <p>23 they calculate things -- not calculate -- but they</p> <p>24 gather things. How many vehicles are in front of me,</p> <p>25 how long does it take my order to be processed, and</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">84</p> <p>1 mention Chick-Fil-A.</p> <p>2 For some reason, yes, they are --</p> <p>3 they're off the charts in this in every category from</p> <p>4 five, six, seven, eight and none cars. They all had,</p> <p>5 you know, 11 percent and counting.</p> <p>6 Taco Bell had 1 percent of the</p> <p>7 occurrences where there were nine cars in front of</p> <p>8 them, none at eight, and there was 1 percent for</p> <p>9 seven, and then 10-plus, zero.</p> <p>10 So to me at least, the data that not</p> <p>11 just the ITE looked at, not the NJ DOT as well, but</p> <p>12 also from the industry standard QSR, which is a very</p> <p>13 -- it's like the ITE of the drive-through industry,</p> <p>14 for lack of a better way to put it -- concurred with</p> <p>15 what the observations were made and the conclusions</p> <p>16 that were made in the Dolan & Dean report.</p> <p>17 Based upon that, I felt very</p> <p>18 comfortable that his modeling and his process were --</p> <p>19 they were reasonable. And this is very -- this is</p> <p>20 very rare.</p> <p>21 Because Gary and I, we've crossed paths</p> <p>22 a little bit here and there's a lot of times where I</p> <p>23 don't agree with him. This is one of those</p> <p>24 instances, though, where what he said is very</p> <p>25 reasonable, and I found absolutely nothing weak in</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">85</p> <p>1 the -- in the report whatsoever.</p> <p>2 The queuing, absolutely. But I think</p> <p>3 we also have to keep in mind as well, if this is a</p> <p>4 standalone site, maybe the queuing. This is a part</p> <p>5 of an overall area of development, it's part of an</p> <p>6 overall area.</p> <p>7 So, therefore, I think it's somewhat</p> <p>8 reasonable to assume that these massive queues, you</p> <p>9 know, these 12, 13, 14 queuing instances, I just -- I</p> <p>10 have to agree with Gary on that one. I just don't</p> <p>11 see it happening. And it's not just my opinion but</p> <p>12 the same thing here too, is that looking at this</p> <p>13 overall number, it was never observed as well.</p> <p>14 So I feel very comfortable in that</p> <p>15 regard. Okay.</p> <p>16 There's just one other... I think</p> <p>17 you've answered it. I just want to clarify. And it</p> <p>18 had to do with the -- it's the last paragraph on</p> <p>19 page 2 of the letter here. I'm asking you if you can</p> <p>20 clarify the last paragraph, the ability for the site</p> <p>21 to exit either Rea Avenue directly to Godwin.</p> <p>22 Can you just give me a little bit of</p> <p>23 clarification on that, please? I just wasn't -- I</p> <p>24 just want to make sure that I understood it</p> <p>25 correctly.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">87</p> <p>1 paragraph under the Trip Generation section.</p> <p>2 MR. WHITAKER: His report. You've got</p> <p>3 yours.</p> <p>4 MR. DEAN: No. He's asking me to</p> <p>5 clarify what I wrote and I want to...</p> <p>6 MR. DOBISZEWSKI: Yeah.</p> <p>7 MR. DEAN: What I said is -- okay.</p> <p>8 It's poor English more than anything else. That the</p> <p>9 proposed change in use between the bank and the Taco</p> <p>10 Bell, I felt will not affect internal circulation or</p> <p>11 the ability for site traffic to safely enter and exit</p> <p>12 to Godwin, Rea or Erie as a result of this</p> <p>13 application.</p> <p>14 It was a lengthy sentence. I see that</p> <p>15 now. But aside from poor grammar, that's the</p> <p>16 clarification.</p> <p>17 Does that help?</p> <p>18 MR. DOBISZEWSKI: Yes, it does.</p> <p>19 CHAIRMAN ANDERSON: Do you concur with</p> <p>20 that, Mr. Dobiszewski?</p> <p>21 MR. DOBISZEWSKI: I do.</p> <p>22 That's pretty much all I have. If</p> <p>23 there's any questions, please.</p> <p>24 MR. SISS: Questions.</p> <p>25 CHAIRMAN ANDERSON: Dave?</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">86</p> <p>1 CHAIRMAN ANDERSON: You're referencing</p> <p>2 the last paragraph of his letter?</p> <p>3 MR. DOBISZEWSKI: No.</p> <p>4 On page 2 of mine.</p> <p>5 CHAIRMAN ANDERSON: Oh, yours.</p> <p>6 MR. DOBISZEWSKI: Yes, sir. Yes.</p> <p>7 It says, "I concur with the findings;</p> <p>8 however." I'm asking him to clarify the last</p> <p>9 paragraph in that section under the Projected Trip</p> <p>10 Generations.</p> <p>11 MR. SISS: As long as you just</p> <p>12 referenced your letter, why don't we just mark that</p> <p>13 as an exhibit.</p> <p>14 It's June 9th, 2023 correspondence.</p> <p>15 We'll mark that PB-1. That's the report you're</p> <p>16 referring to, sir?</p> <p>17 MR. DOBISZEWSKI: Yes, it is.</p> <p>18 (Whereupon, Report of Frank</p> <p>19 Dobiszewski, P.E., Boswell Engineering, Dated</p> <p>20 June 9, 2023 is marked as Exhibit PB-1 for</p> <p>21 identification.)</p> <p>22 MR. DEAN: If you could just direct me</p> <p>23 to which paragraph in my report?</p> <p>24 MR. DOBISZEWSKI: Yeah.</p> <p>25 It's under Trip Generation, the last</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">88</p> <p>1 MR. NOVAK: I just have one question of</p> <p>2 either traffic engineer. And for the record, this is</p> <p>3 David Novak with Burgis Associates, the board</p> <p>4 planning professional.</p> <p>5 Is there a difference in traffic</p> <p>6 generation between a quick-service restaurant and a</p> <p>7 quick-service restaurant with a drive-through?</p> <p>8 MR. DOBISZEWSKI: Yes.</p> <p>9 MR. DEAN: There is.</p> <p>10 And ironically, I will say, as we look</p> <p>11 at the ITE data per square foot, a quick-service</p> <p>12 restaurant without a drive-through window generates</p> <p>13 more traffic than one with a drive-through window.</p> <p>14 MR. NOVAK: Okay, that's all I had.</p> <p>15 Thank you.</p> <p>16 CHAIRMAN ANDERSON: It's</p> <p>17 counter-intuitive. All right.</p> <p>18 If no board members have questions, we</p> <p>19 need to open to the public for questions first of</p> <p>20 Mr. Dean.</p> <p>21 Motion? I need a motion.</p> <p>22 MR. CAPALBO: So moved.</p> <p>23 VICE CHAIRMAN PAPAPIETRO: Second.</p> <p>24 MS. HARMON: Mr. Zuidema?</p> <p>25 MR. ZUIDEMA: Yes.</p> <p style="text-align: right;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 MS. HARMON: Mr. Papapietro?
2 VICE CHAIRMAN PAPAPIETRO: Yes.
3 MS. HARMON: Mr. Placier?
4 MR. PLACIER: Yes.
5 MS. HARMON: Mr. Barlow?
6 MR. BARLOW: Yes.
7 MS. HARMON: Mr. Eliya?
8 MR. ELIYA: Yes.
9 MS. HARMON: Mr. Capalbo?
10 MR. CAPALBO: Yes.
11 MS. HARMON: Mr. Anderson?
12 CHAIRMAN ANDERSON: Yes. All right.
13 Anybody in the public who has any
14 questions for Mr. Dean?
15 MS. RIZZUTO: I do.
16 But can I just take a quick bathroom
17 break?
18 CHAIRMAN ANDERSON: Okay. I don't know
19 how I can say no to that.
20 MS. RIZZUTO: I'm sorry.
21 Is it up here?
22 CHAIRMAN ANDERSON: Yeah. It's right
23 here.
24 MS. RIZZUTO: Okay, thank you.
25 (Whereupon, a brief recess is taken.)

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1 MR. WHITAKER: The size of the truck.
2 MS. RIZZUTO: The truck and also this
3 gentleman's questions as well.
4 CHAIRMAN ANDERSON: That's what it was.
5 MR. DEAN: It was about the trucks and
6 delivery, and the route that they would follow, and
7 how they would circulate on the site.
8 BY MS. RIZZUTO:
9 Q. Right. The geometry.
10 A. Yes.
11 Q. So are you anticipating coming back
12 here?
13 MR. WHITAKER: We will have that
14 information supplied, but we're not going to have him
15 testifying again.
16 MS. RIZZUTO: I see.
17 So it's not going to be subject to
18 cross-examination?
19 MR. SISS: I assume your engineer will
20 testify.
21 MR. WHITAKER: I was just going to say,
22 we'll have Mr. Missey here for that.
23 MS. RIZZUTO: Okay. Just a few
24 questions.
25 And forgive me, I'm not a traffic

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1 CHAIRMAN ANDERSON: Does anybody in the
2 public -- did you have questions?
3 MS. RIZZUTO: Yes, I do.
4 CHAIRMAN ANDERSON: Okay.
5 MS. RIZZUTO: And my first question is
6 --
7 MR. SISS: Just state your name.
8 MS. RIZZUTO: Oh, I'm sorry.
9 Again, Anne Marie Rizzuto of Weiner Law
10 Group on behalf of the objector, Burger Barn, which
11 operates as the Burger King.
12 Thank you.
13 CROSS-EXAMINATION
14 BY MS. RIZZUTO:
15 Q. I guess my first question too is, am I
16 to understand from your testimony that you are going
17 to do some additional work and studies and come back
18 to testify again?
19 CHAIRMAN ANDERSON: About what?
20 What do you think you he is going to
21 again?
22 MS. RIZZUTO: He indicated that he's
23 going to work with the engineer and the operator and
24 provide additional information.
25 CHAIRMAN ANDERSON: About the truck.

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1 expert. I usually rely upon them for my boards and
2 my applicants.
3 BY MS. RIZZUTO:
4 Q. So one of the first questions I wanted
5 to ask you, however, was about the distance between
6 -- I'm just going to use A-6, which all of you board
7 members already have. It's a color version.
8 So looking at A-6, this is strictly the
9 site where the Taco Bell is being proposed, not the
10 entirety of the site.
11 My question is to you is, what is the
12 distance from the corner of Godwin and Rea up to the
13 first intersection of the driveway; what is the
14 distance?
15 A. I do not know that.
16 MR. MISSEY: Do you need this?
17 MR. DEAN: I have one.
18 CHAIRMAN ANDERSON: Is there some
19 significance to that? Why do you want to know that?
20 I'm just curious.
21 MS. RIZZUTO: Because I have a series
22 of questions to ask him about the surrounding
23 streets.
24 MR. DEAN: I'm not exactly sure what
25 distance, but from the painted stop bar on Rea to the

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1 nose of the island for the exit is 140 feet
 2 (indicating).
 3 BY MS. RIZZUTO:
 4 Q. Is that an island, or is that a painted
 5 stripe?
 6 A. That's an island.
 7 Q. Okay. It's 120 feet?
 8 A. Correct.
 9 Q. So how many --
 10 A. It's 140.
 11 Q. How many cars could be parked at the
 12 stop sign waiting to go out to Godwin before they
 13 come to the first exit out of the site?
 14 A. Roughly six.
 15 Q. Six cars?
 16 A. Yes.
 17 Q. Stopped at the stop sign?
 18 A. Yes.
 19 Q. Okay.
 20 Did you do counts on Rea?
 21 A. No.
 22 Q. Is there a reason why you didn't do
 23 counts on Rea?
 24 A. Yes.
 25 As I've explained, we're looking at a

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1 change in use from a former commercial use, that was
 2 the bank, and I compared the traffic generation
 3 differences between the proposed Taco Bell and the
 4 bank.
 5 And so this is not a study of the
 6 entire center, points of ingress and egress and how
 7 much traffic is going to CVS. It is what is swapping
 8 out a drive-through bank for a drive-through
 9 restaurant do in terms of traffic.
 10 Q. Yes, I understand. So you did no
 11 counts for Rea.
 12 Did you do any counts on Erie Avenue
 13 with respect to traffic?
 14 A. I did not.
 15 Q. Did you do any counts at all on Godwin
 16 with respect to traffic?
 17 A. I didn't do those counts. I had the
 18 information because, as I indicated, we filmed the
 19 perspective of looking over the top of the Wendy's
 20 and its drive-through stacking. But we didn't
 21 tabulate that data.
 22 Q. And you didn't do a drone drive-over
 23 for a Taco Bell either, correct?
 24 A. No.
 25 Q. You only did one for the Wendy's nearby

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1 to this site?
 2 A. That is correct.
 3 Q. On the other side -- on the other side
 4 of Godwin, correct?
 5 A. Right.
 6 Q. Okay. You indicate that the turning
 7 onto Rea and off of Rea is limited in different ways.
 8 A. Correct.
 9 Q. So if a tractor trailer did, in fact,
 10 come down Rea, make -- say, make a right turn off of
 11 Godwin down Rea and found themselves unable to enter
 12 at Rea, they would continue up Rea Avenue?
 13 A. As would any vehicle.
 14 Q. Okay. But I'm not asking about any
 15 other vehicle. I'm asking about a tractor trailer --
 16 A. Sure.
 17 Q. -- that can't make the turn into --
 18 into the site.
 19 A. We were going to look at that template.
 20 That is part of the information that we will provide.
 21 Q. I understand.
 22 So let's assume that they can't make
 23 that turn safely into the site. They would then
 24 traverse up the street of Rea in that residential
 25 neighborhood?

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1 A. Correct.
 2 Q. Okay. And are you aware that there are
 3 limitations for the other entrance/exits on Erie
 4 Avenue, even as depicted on Exhibit A-9?
 5 A. Yes.
 6 Q. There are limited ability to turn in
 7 and turn out there as well?
 8 A. There are restrictions to go --
 9 Q. On both of them?
 10 A. Yes.
 11 Q. So then the only -- is it true that
 12 there's a limited entranceway -- entrance and exit on
 13 Godwin?
 14 A. There is no limitation on the entrance.
 15 There is a restriction so people do not make a left.
 16 Q. Okay. So a tractor trailer could go in
 17 from Godwin on either the westbound or the eastbound
 18 traffic?
 19 A. Correct.
 20 Q. So they could come into Godwin into
 21 that one lane going through, okay.
 22 Are you aware that there is -- that
 23 this is open at the site? Are you sure that that is
 24 open?
 25 A. When you say "this" --

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1 Q. All right.
 2 So, for the record, that's a bad
 3 question.
 4 Behind the Taco Bell, at the back of
 5 the Taco Bell is a parking lot that you have referred
 6 to numerous times as people being able to circle
 7 around it.
 8 A. Yes.
 9 Q. Is it in fact open, or is it blocked by
 10 materials?
 11 A. Well, it may be temporarily blocked
 12 during the construction. I don't know specifically.
 13 Q. Okay.
 14 A. I'm looking at the approved site plan
 15 that calls for it to remain open.
 16 Q. This is the site plan. Do you mean
 17 you're looking at this site plan?
 18 A. Correct.
 19 Q. So, for the record, we're talking about
 20 the parking lot that has spaces 78 through 122
 21 depicted on Sheet 1 of 3, dated 4-24.
 22 All right. So if this area was blocked
 23 in some way, would that limit the ability of cars or
 24 tractor trailers making a traverse around that
 25 parking lot?

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1 A. It is a drive aisle that leads to Rea.
 2 Q. It's the only drive aisle in this
 3 section coming from Rea to the site, right?
 4 A. Correct.
 5 Q. There's no other way for people who are
 6 parked here to avoid that drive aisle?
 7 A. Correct.
 8 Q. Does that present a safety concern for
 9 the potential queuing of more than 11 cars?
 10 A. I think we've beat up the queuing a
 11 lot. I'm comfortable with 11. It's 50 percent more
 12 than this use requires.
 13 Q. I'm sorry, you said seven required?
 14 A. Yes.
 15 Q. And 50 percent is what, 14?
 16 A. Three-and-a-half, so it's 11.
 17 Q. Okay.
 18 A. So that access aisle, in my opinion,
 19 based on the nature of the use, will remain free and
 20 open. The QSR data -- thank you for sharing that --
 21 buttresses that testimony.
 22 But forget about the application. Just
 23 leave it alone. The bank was there. Those same
 24 parking spaces backed in and out presumably for
 25 decades.

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1 A. It would, yes.
 2 Q. And are you going to look at geometry
 3 to see -- let's assume it's not closed off there.
 4 Will you look at the geometry of a
 5 tractor trailer being able to traverse through that
 6 parking lot?
 7 A. Yes.
 8 Q. Okay. These spaces 111 through 122,
 9 they back up into the main drive aisle of this
 10 parking lot, correct?
 11 A. They back into an aisle, which is how
 12 parking spaces are accessible, yes.
 13 Q. Right. So there's an eastbound lane
 14 and a westbound lane; that's the main traffic aisle
 15 in this section of the...
 16 A. I'm not going to qualify it as main.
 17 It is an aisle that leads --
 18 Q. You qualified it as main in your
 19 earlier testimony, sir.
 20 A. It's an access aisle that leads to Rea.
 21 There is an access aisle that leads to Godwin. And
 22 there are two access aisles that lead to Erie.
 23 Q. Okay. So these 12 spaces can both pull
 24 in and pull out into the area where -- where there is
 25 the main drive aisle?

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1 Q. And you gave us some numbers about the
 2 difference between a proposed QSR. I'm sorry. Your
 3 report only -- does not give us the numbers for Taco
 4 Bell, correct?
 5 A. It does.
 6 Table 1, page 4, shows Taco Bell with
 7 drive-through, and it shows each of the trip
 8 generation projections for four different peak hours.
 9 Q. Yes.
 10 And during your testimony, you said
 11 this is not based upon Taco Bell, this is based upon
 12 the drive-through QSR?
 13 A. Correct.
 14 Q. So you didn't base it upon the numbers
 15 only from Taco Bell, you based it upon QSR numbers,
 16 correct?
 17 A. I based it on the ITE data for --
 18 Q. QSR?
 19 A. -- a fast-food restaurant with
 20 drive-through.
 21 I forget the land use code but...
 22 MR. NOVAK: 9377.
 23 MR. DEAN: Thank you.
 24 So, yes, it is what would be expected
 25 for a fast-food restaurant.

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<p style="text-align: right;">101</p> <p>1 BY MS. RIZZUTO:</p> <p>2 Q. Other than the handicap space -- other</p> <p>3 than the handicap space, which is located -- where is</p> <p>4 the handicap space located?</p> <p>5 A. It is directly north of the proposed</p> <p>6 Taco Bell building.</p> <p>7 Q. And so that is a space that is not</p> <p>8 across the double drive aisle to that parking lot?</p> <p>9 That is -- the handicap space is right next to the</p> <p>10 proposed building?</p> <p>11 A. It is the closest space that would</p> <p>12 allow a disabled individual to proceed directly into</p> <p>13 the building without crossing any aisles.</p> <p>14 Q. Right.</p> <p>15 So all the other parkers -- people that</p> <p>16 are going to park, instead of getting in the queue,</p> <p>17 will have to park back here and traverse across the</p> <p>18 double lane drive aisle, correct? The people who</p> <p>19 park back here in the parking lot will have to cross</p> <p>20 over the drive aisle to get into --</p> <p>21 A. Yes.</p> <p>22 Q. -- Taco Bell?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. And, in fact, in the main proper area</p> <p>25 where Taco Bell is actually located, they have</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">103</p> <p>1 A. It meets the ADA standards for</p> <p>2 barrier-free code. And it is van accessible, by my</p> <p>3 understanding of it. It's 8-feet wide with an 8-foot</p> <p>4 landing next to it.</p> <p>5 Q. Okay. How wide is the drive-through?</p> <p>6 A. The drive-through lane is 12 feet.</p> <p>7 Q. And so there will only be one</p> <p>8 drive-through lane, correct?</p> <p>9 A. Correct.</p> <p>10 Q. There is no bypass lane?</p> <p>11 A. Correct.</p> <p>12 Q. Isn't that standard in QSR industry?</p> <p>13 A. It is not.</p> <p>14 Q. It is not standard?</p> <p>15 A. Not at all.</p> <p>16 I've designed sites without bypass</p> <p>17 lanes. The entire center is a bypass. So in the</p> <p>18 scenario where it's the 11th vehicle, a bypass lane</p> <p>19 is often used, for example, at Wendy's to drive</p> <p>20 around the back of the building and bypass the queue.</p> <p>21 In this instance, the customer just recirculates</p> <p>22 within the parking lot.</p> <p>23 Q. I understand.</p> <p>24 But once the customer goes in into the</p> <p>25 drive-through, they cannot get out of it, correct?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">102</p> <p>1 absolutely zero parking, they only have one handicap</p> <p>2 space?</p> <p>3 A. Correct.</p> <p>4 Q. Where are the Uber drivers going to</p> <p>5 park?</p> <p>6 A. In any available parking space.</p> <p>7 Q. In the back?</p> <p>8 A. Any available parking space.</p> <p>9 Q. Okay. So you do see available parking</p> <p>10 spaces in the parking lot?</p> <p>11 A. I see 12 closest to the building. I</p> <p>12 see 12 in the next aisle from the building.</p> <p>13 And I see, I think it's 15 in the</p> <p>14 northernmost row at the property boundary. And then</p> <p>15 there's another six spaces fronting on Rea.</p> <p>16 Q. Right, I see that. Okay. And all of</p> <p>17 which lead to people walking across the two lanes of</p> <p>18 drive aisle into the Taco Bell, correct?</p> <p>19 A. Yes.</p> <p>20 Q. It's just yes or no. They have to</p> <p>21 cross over.</p> <p>22 Besides the handicap space -- is the</p> <p>23 handicap space provided with all of the requirements</p> <p>24 necessary surrounding it as far as space is</p> <p>25 concerned, or did you not look at that?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">104</p> <p>1 A. That is correct, yes.</p> <p>2 Q. Okay. And so the Wendy's that you</p> <p>3 looked at has a bypass lane where people can drive</p> <p>4 past the drive-through and get out, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And the Burger King also has a second</p> <p>7 drive-through lane where the people can bypass,</p> <p>8 correct?</p> <p>9 A. I haven't looked at Burger King, but</p> <p>10 perhaps.</p> <p>11 Q. Okay. And the Dunkin' Donuts down the</p> <p>12 street, that also has a bypass lane?</p> <p>13 A. I have not looked at that.</p> <p>14 Q. Starbucks?</p> <p>15 A. I have not looked at that. I do not</p> <p>16 know.</p> <p>17 Q. Do you consider that a safety problem</p> <p>18 that no cars can get past the drive-through lane in</p> <p>19 an emergency?</p> <p>20 A. Not at all.</p> <p>21 Q. Okay.</p> <p>22 So if an emergency was happening in my</p> <p>23 car with one of my kids and I was in the</p> <p>24 drive-through, what would I do?</p> <p>25 A. You would wait to leave. You would</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">105</p> <p>1 back up to leave.</p> <p>2 Q. Back up?</p> <p>3 A. Correct.</p> <p>4 Q. In the queue?</p> <p>5 A. You would wait to leave the queue,</p> <p>6 correct.</p> <p>7 Q. Okay.</p> <p>8 So I would have to wait for ten other</p> <p>9 cars to get through --</p> <p>10 A. Correct.</p> <p>11 Q. -- before I could take care of my kid</p> <p>12 screaming in the back. No bypass. Not standard in</p> <p>13 the industry?</p> <p>14 A. It is not.</p> <p>15 MR. WHITAKER: Asked and answered.</p> <p>16 Let's move on.</p> <p>17 MS. RIZZUTO: Yes, I understand.</p> <p>18 By the way, Mr. Chair, I did want to</p> <p>19 note for the record that Mr. Whitaker was giving a</p> <p>20 substantial statement to the board as if he was a</p> <p>21 witness.</p> <p>22 And I was wondering if I will get an</p> <p>23 opportunity to cross-examination him or just note my</p> <p>24 objection for the record on that point.</p> <p>25 MR. WHITAKER: You should have raised a</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">107</p> <p>1 MS. RIZZUTO: Excuse me. I didn't even</p> <p>2 ask a question. He interrupted me.</p> <p>3 And I didn't ask it three times.</p> <p>4 BY MS. RIZZUTO:</p> <p>5 Q. You have no traffic counts whatsoever</p> <p>6 for the site other than the reliance upon the ITE,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And why didn't you do the traffic --</p> <p>10 oh, I did ask you about the traffic.</p> <p>11 MR. WHITAKER: You did.</p> <p>12 MS. RIZZUTO: I understand.</p> <p>13 BY MS. RIZZUTO:</p> <p>14 Q. People who order on the app and pay on</p> <p>15 the app, they only have to run in and get their --</p> <p>16 pick up their food, is that how it works?</p> <p>17 A. Correct.</p> <p>18 It's preordered, prepaid, merely just</p> <p>19 needs to be picked up.</p> <p>20 Q. Okay. And do the Uber Eats people also</p> <p>21 prepay and they only have to pick up?</p> <p>22 A. I candidly am unfamiliar with that</p> <p>23 system.</p> <p>24 But if it's like the rest, it is also</p> <p>25 preordered and prepaid, and it is waiting.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">106</p> <p>1 question at the time I made a statement. The</p> <p>2 statement I made was an introduction of what the</p> <p>3 proffer would be of the witness.</p> <p>4 MS. RIZZUTO: Yes.</p> <p>5 I did not want to interrupt you.</p> <p>6 MR. WHITAKER: You can always interrupt</p> <p>7 me.</p> <p>8 But you lost the opportunity.</p> <p>9 CHAIRMAN ANDERSON: Excuse me.</p> <p>10 At the end of the application, if you</p> <p>11 choose to make a closing argument, we'll listen to</p> <p>12 you.</p> <p>13 MS. RIZZUTO: Okay. Yes, that's what</p> <p>14 it sounded like, a closing argument.</p> <p>15 All right. Thank you, Mr. Chairman.</p> <p>16 Okay, I think I'm almost done.</p> <p>17 BY MS. RIZZUTO:</p> <p>18 Q. Is there any traffic counts in your</p> <p>19 report?</p> <p>20 A. There are no counts in my report.</p> <p>21 Q. So you did not do any counts</p> <p>22 whatsoever, you merely relied on --</p> <p>23 MR. WHITAKER: Objection.</p> <p>24 This has been asked and answered three</p> <p>25 times.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">108</p> <p>1 Instead of the customer picking it up,</p> <p>2 it is a contracted driver who picks it up.</p> <p>3 Q. Will there be designated spaces for</p> <p>4 Uber Eats, DoorDash and online use?</p> <p>5 A. No. They will park in a spot, wherever</p> <p>6 there's an empty spot. I think we covered that as</p> <p>7 well.</p> <p>8 Q. Okay. With respect to the garbage</p> <p>9 recycling, or garbage center, or trash enclosure, or</p> <p>10 whatever, if you are saying the -- I'm sorry.</p> <p>11 The tractor trailer, you're providing a</p> <p>12 space that's 12-by-14, but you also indicate that the</p> <p>13 tractor trailer size is depicted in a broken line,</p> <p>14 correct, on Sheet 1 of 3 on A-9?</p> <p>15 A. I am trying to interpret Mr. Missey's</p> <p>16 drawing, and I don't think he's here.</p> <p>17 So there are two areas depicted. I</p> <p>18 don't understand the distinction, quite frankly.</p> <p>19 So I'm going to have to ask you to ask</p> <p>20 that question of Andy.</p> <p>21 I see a 40-foot-long dashed area. And</p> <p>22 I see a secondary area that is 31- or 32-feet long.</p> <p>23 I don't know what the difference is.</p> <p>24 Q. When you say you see a second area,</p> <p>25 you're talking about --</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

<p style="text-align: right;">109</p> <p>1 A. There are two rectangles shown. I</p> <p>2 don't know what the difference is.</p> <p>3 MR. MISSEY: I'm here, Bruce, if that</p> <p>4 would help.</p> <p>5 MR. WHITAKER: Later.</p> <p>6 MS. RIZZUTO: Okay, thank you, yes.</p> <p>7 BY MS. RIZZUTO:</p> <p>8 Q. How long is the standard tractor</p> <p>9 trailer?</p> <p>10 A. The trailer, if it's the largest one</p> <p>11 allowed in the state, could be as long as 53 feet</p> <p>12 plus the length of the tractor.</p> <p>13 So they wind up being somewhere on the</p> <p>14 order of 65-feet long.</p> <p>15 Q. Does the width change?</p> <p>16 A. No.</p> <p>17 Q. This is 12-foot?</p> <p>18 A. No.</p> <p>19 Q. Do we know what the level of service is</p> <p>20 on the county road, Godwin?</p> <p>21 A. We do not, or I do not.</p> <p>22 CHAIRMAN ANDERSON: Are you through,</p> <p>23 Ms. Rizzuto?</p> <p>24 MS. RIZZUTO: Yes, I am. I just was</p> <p>25 looking at my notes, making sure.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">111</p> <p>1 A. I do not.</p> <p>2 Q. In connection with not doing traffic</p> <p>3 counts, you delineated that in your report, but just</p> <p>4 to go over it again. Restaurant uses are permitted</p> <p>5 in this zone?</p> <p>6 A. Yes.</p> <p>7 Q. Correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you did not do the traffic counts,</p> <p>10 as you stated in your report, because in essence</p> <p>11 there is -- the ordinance contemplates a restaurant</p> <p>12 use on this site?</p> <p>13 A. Number one.</p> <p>14 And number two, there's not a material</p> <p>15 difference between at -- the critical peak hours a.m.</p> <p>16 and p.m. are rush hours.</p> <p>17 There's no material difference between</p> <p>18 the bank, the former bank, and the proposed Taco</p> <p>19 Bell.</p> <p>20 Q. And both the bank as well as a</p> <p>21 restaurant use are permitted uses in the zone?</p> <p>22 A. Correct.</p> <p>23 Q. And a restaurant use actually</p> <p>24 generates, as we understand and learned tonight, more</p> <p>25 traffic than one with the drive-through?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">110</p> <p>1 Thank you very much.</p> <p>2 CHAIRMAN ANDERSON: Okay. Does anybody</p> <p>3 else in the public have any questions for either</p> <p>4 witness?</p> <p>5 MR. WHITAKER: I have a couple of</p> <p>6 redirect based on that.</p> <p>7 CHAIRMAN ANDERSON: Go ahead.</p> <p>8 MR. WHITAKER: Not to keep the board</p> <p>9 late.</p> <p>10 REDIRECT EXAMINATION</p> <p>11 BY MR. WHITAKER:</p> <p>12 Q. Mr. Dean, the parking areas that are</p> <p>13 shown on this site plan are not being modified in any</p> <p>14 manner whatsoever by this applicant, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Is it correct from a traffic aspect</p> <p>17 that people park in parking spaces in a shopping</p> <p>18 center and they walk across aisles?</p> <p>19 A. Shopping centers, office buildings, the</p> <p>20 Municipal Building.</p> <p>21 Q. So here tonight I had to get out of my</p> <p>22 car and I walked across the aisle?</p> <p>23 A. Correct.</p> <p>24 Q. Do you consider that to be a safety</p> <p>25 problem?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">112</p> <p>1 A. Let me just say in response to the</p> <p>2 question, the data, the ITE data that has been</p> <p>3 collected, like Mr. Novak asked the question,</p> <p>4 indicates that a drive-through -- excuse me -- a</p> <p>5 quick-service fast-food restaurant without a</p> <p>6 drive-through generates more traffic, same building</p> <p>7 size, than one that has a drive-through.</p> <p>8 I can only tell you what the data</p> <p>9 shows. I can't tell you why that is. It does seem</p> <p>10 counter-intuitive, but... and I know Frank answered</p> <p>11 the exact same way.</p> <p>12 So in terms of your ordinance, traffic</p> <p>13 generation, and at least from what the data supports,</p> <p>14 if we had proposed a Taco Bell without a</p> <p>15 drive-through, it would generate more traffic than</p> <p>16 this application.</p> <p>17 Q. In connection with the question asked</p> <p>18 about a tractor trailer going up Rea Avenue, so if it</p> <p>19 goes up and it couldn't make the left, you have</p> <p>20 testified it would go further up the road, correct?</p> <p>21 A. Well, that was the hypothetical posed</p> <p>22 by Counsel.</p> <p>23 Q. If there was a traffic limitation on</p> <p>24 the roads, it would be violated?</p> <p>25 A. He would be violating that because he</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

<p style="text-align: right;">113</p> <p>1 doesn't have a delivery on that street.</p> <p>2 Q. And that tractor trailer going up Rea</p> <p>3 Avenue could be servicing one of the other uses in</p> <p>4 the retail shopping center like a CVS also?</p> <p>5 A. It could.</p> <p>6 It could also be delivering a load of</p> <p>7 Sheetrock to a resident that, you know, is undergoing</p> <p>8 a renovation. There is a 4-ton weight limit</p> <p>9 restriction on Rea Avenue to prevent truck traffic.</p> <p>10 Now, if there is a carveout in the</p> <p>11 Motor Vehicle Code that says even though those truck</p> <p>12 prohibitions exist, if someone is delivering to a</p> <p>13 resident or to a business on that street on that,</p> <p>14 they're exempt.</p> <p>15 Otherwise, people could never move</p> <p>16 out of their house. So that's why there is that</p> <p>17 code.</p> <p>18 We are going to evaluate in response to</p> <p>19 -- it's very tight. I drove it. I understand.</p> <p>20 Trucks are often driving over islands. I'm not</p> <p>21 saying it's correct or proper.</p> <p>22 But I want to look at that turning</p> <p>23 template. And we will provide you with the specific</p> <p>24 routing information that will be provided to the</p> <p>25 delivery drivers how to come into the site.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">115</p> <p>1 MR. WHITAKER: But not tacos. Okay.</p> <p>2 With that said, I have no further</p> <p>3 questions, Mr. Chairman.</p> <p>4 That concludes our presentation this</p> <p>5 evening.</p> <p>6 CHAIRMAN ANDERSON: Anybody else?</p> <p>7 (No response.)</p> <p>8 CHAIRMAN ANDERSON: Did I already ask</p> <p>9 that?</p> <p>10 So I need to a motion to close to the</p> <p>11 public.</p> <p>12 VICE CHAIRMAN PAPAPIETRO: Motion to</p> <p>13 close.</p> <p>14 MR. BARLOW: Second.</p> <p>15 MS. HARMON: Mr. Zuidema?</p> <p>16 MR. ZUIDEMA: Yes.</p> <p>17 MS. HARMON: Mr. Papapietro?</p> <p>18 VICE CHAIRMAN PAPAPIETRO: Yes.</p> <p>19 MS. HARMON: Mr. Placier?</p> <p>20 MR. PLACIER: Yes.</p> <p>21 MS. HARMON: Mr. Barlow?</p> <p>22 MR. BARLOW: Yes.</p> <p>23 MS. HARMON: Mr. Eliya?</p> <p>24 MR. ELIYA: Yes.</p> <p>25 MS. HARMON: Mr. Capalbo?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>
<p style="text-align: right;">114</p> <p>1 MR. ZUIDEMA: Yeah.</p> <p>2 I, as a board member, I'm not even</p> <p>3 looking for that because you can't do it.</p> <p>4 MR. WHITAKER: And I'll remind the</p> <p>5 board, it's the operator's testimony at the first</p> <p>6 meeting -- and I know Ms. Rizzuto was not here -- but</p> <p>7 the operator testified that the truck driver that</p> <p>8 comes there is the regular driver and will have a</p> <p>9 regular route.</p> <p>10 MR. ZUIDEMA: Yeah.</p> <p>11 You have the job for three months, then</p> <p>12 your regular driver six months down the road is a</p> <p>13 different driver.</p> <p>14 MR. WHITAKER: But they get to have a</p> <p>15 route. We know that.</p> <p>16 MR. ZUIDEMA: Yeah, no, they don't have</p> <p>17 a routine.</p> <p>18 MR. WHITAKER: So in any event --</p> <p>19 MR. ZUIDEMA: I know that for a fact</p> <p>20 because when they come to my shop, there's a</p> <p>21 different guy every single time.</p> <p>22 MR. WHITAKER: Well, your shop's a</p> <p>23 little different.</p> <p>24 MR. ZUIDEMA: No, it's not. I get</p> <p>25 deliveries with tractor trailers.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>	<p style="text-align: right;">116</p> <p>1 MR. CAPALBO: Yes.</p> <p>2 MS. HARMON: Mr. Anderson?</p> <p>3 CHAIRMAN ANDERSON: Yes.</p> <p>4 MR. WHITAKER: I would ask that the</p> <p>5 matter be carried without further notice to your</p> <p>6 August meeting.</p> <p>7 CHAIRMAN ANDERSON: Yes.</p> <p>8 MR. WHITAKER: August.</p> <p>9 CHAIRMAN ANDERSON: Whenever it is.</p> <p>10 MR. WHITAKER: I just want to put it on</p> <p>11 the record.</p> <p>12 MS. RIZZUTO: August 9th.</p> <p>13 MR. WHITAKER: The second 9th, yes.</p> <p>14 CHAIRMAN ANDERSON: Oh, yeah, I'm</p> <p>15 sorry. We need a motion. Motion to carry this</p> <p>16 without further notice?</p> <p>17 MR. BARLOW: I make a motion to carry</p> <p>18 it out to August 9th.</p> <p>19 CHAIRMAN ANDERSON: With no further</p> <p>20 notice.</p> <p>21 VICE CHAIRMAN PAPAPIETRO: I second</p> <p>22 that.</p> <p>23 MS. HARMON: Mr. Zuidema?</p> <p>24 MR. ZUIDEMA: Yes.</p> <p>25 MS. HARMON: Mr. Papapietro?</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p style="text-align: center;">201-641-1812</p>

1 VICE CHAIRMAN PAPAPIETRO: Yes.
 2 MS. HARMON: Mr. Placier?
 3 MR. PLACIER: Yes.
 4 MS. HARMON: Mr. Barlow?
 5 MR. BARLOW: Yes.
 6 MS. HARMON: Mr. Eliya?
 7 MR. ELIYA: Yes.
 8 MS. HARMON: Mr. Capalbo?
 9 MR. CAPALBO: Yes.
 10 MS. HARMON: Mr. Anderson?
 11 CHAIRMAN ANDERSON: Yes.
 12 MR. WHITAKER: Thank you very much.
 13 Have a good evening.
 14 (Whereupon, this matter is continuing
 15 at a future date. Time noted: 9:39 p.m.)
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 C E R T I F I C A T E
 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
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 22
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 25 RONDA L. REINSTEIN, CCR No. 30X100217800

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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