

**West Long Branch
PLANNING BOARD
Meeting Minutes
November 12, 2019**

Mr. Aria called the meeting to order at **7:30 PM** & Mr. Aria read the following statement:

This is the **November 12, 2019** regular meeting of the West Long Branch Planning Board. This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting was listed in the Notice of the annual schedule of the regular meetings of this Board, sent to both ASBURY PARK PRESS AND STAR -LEDGER. Said Notice was also posted on the bulletin Board in Borough Hall and had remained continuously posted there as required of such notices under Statute. In addition, a copy of said Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of said Notice has also been sent to such members of the public as have requested such information in accordance with the Statute. Proper notice having been given; the Board Secretary is directed to include this statement in the minutes of this meeting.

Roll Call, Members Present:

JOHN ARIA, Chairman
JAMES MILLER
CHRISTINE HANEY
SARAH O'NEILL
GORDON HEGGIE

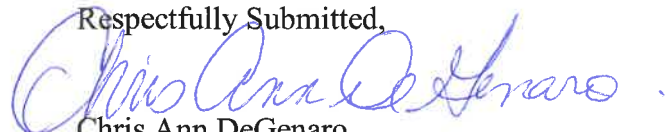
MAYOR TUCCI

STEPHEN BRAY
ANTONIO SCALISE
DON BROCKLEBANK

Members Absent: N/A

2. Pledge of Allegiance
Moment of Silence
3. Items of Business: *See attached Transcript of the proceedings incorporated herein by reference.*
4. Adjournment: **10:20 PM**

Respectfully Submitted,


Chris Ann DeGenaro
Recording Secretary

1 BOROUGH OF WEST LONG BRANCH PLANNING BOARD
2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

3 -----
4 REGULAR MEETING FOR: TRANSCRIPT OF
5 TUESDAY, NOVEMBER 12, 2019 PROCEEDINGS
6 -----

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10 BEFORE:

11 JOHN ARIA, Chairman
12 MAYOR TUCCI
13 SARAH O'NEILL
14 STEPHEN BRAY
15 GORDON HEGGIE
16 JAMES MILLER
17 ANTONIO SCALISE
18 CHRISTINE HANEY

19 ALSO PRESENT:

20 MICHAEL A. IRENE, JR., ESQ., Board Attorney
21 FRANCIS W. MULLAN, Board Engineer
22 CHRIS ANN DEGENARO, Recording

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25

LISA NORMAN, CCR
15 Girard Avenue
West Long Branch, New Jersey 07764
732-229-5897



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

2 MARK A. STEINBERG, ESQ.
2300 Route 66 - Suite 203
3 Neptune, New Jersey 07753
732-774-5665
4 Attorney for the Applicant

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3

1 I N D E X

2 WITNESS NAME

PAGE NO.

3 RAHUL SHAH

4 By Mr. Steinberg

24

5

6 FRANK TRULIO, R.A.

7 By Mr. Steinberg

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10 RICHARD DIFOLCO, P.E., P.P.

11 By Mr. Steinberg

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4

1 E X H I B I T S

| 2 | EXHIBIT NO. | DESCRIPTION | PAGE NO. |
|----|-------------|--------------------------------|----------|
| 3 | A-1 | Floor Plans and | 53 |
| 4 | | Elevations prepared by Frank | |
| | | Truilo, R.A., May 29 2019 | |
| 5 | | | |
| 6 | A-2 | Revised Sheet A1 of | 60 |
| 7 | | Exhibit A-1 revised through | |
| | | November 8, 2019 | |
| 8 | | | |
| 9 | A-3 | Revised Sheet A5 | 60 |
| 10 | | AC from Exhibit A-1 and it's | |
| | | dated November 8, 2019 | |
| 11 | | | |
| 12 | A-4 | Color-enhanced version | 66 |
| 13 | | of Sheet A5 BC of Exhibit A-1, | |
| | | 11/8/19 | |
| 14 | | | |
| 15 | A-5 | Site Plans prepared by | 82 |

16 Richard DiFolco, P.E., P.P., JKR
Engineering and Planning
17 Services, LLC, nine sheets dated
May 29th 2019, revised
18 through October 22, 2019

19

20 A-6 Survey submitted with 82
the Site Plan prepared by Marc
21 Cifone, PLS of Lakeland Surveying
dated March 19, 2018, revised
22 through January 17, 2019

23

24 A-7 Color-enhanced version of 82
Sheet 3 of 9 amended 12th of
25 November



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1 JOHN ARIA: Roll call?

2 MS. DEGENARO: Mayor Tucci?

3 MAYOR TUCCI: Here.

4 MS. DEGENARO: John Aria?

5 MR. ARIA: Here.

6 MS. DEGENARO: Sarah O'Neill?

7 MS. O'NEILL: Here.

8 MS. DEGENARO: Stephen Bray?

9 MR. BRAY: Here.

10 MS. DEGENARO: Gordon Heggie?

11 MR. HEGGIE: Here.

12 MS. DEGENARO: James Miller?

13 MR. MILLER: Here.

14 MS. DEGENARO: Anthony Scalise?

15 MR. SCALISE: Here.

16 MS. DEGENARO: Christine Haney?

17 MS. HANEY: Here.

18 MAYOR TUCCI: Mr. Chairman, Ellen Twigg

19 has moved out of Town. I don't know if she

20 officially resigned, Chris Ann. I will have to

21 reach out to her. She was our representative

22 from the Environmental Commission. We will have

23 to find someone to replace her.

24 MS. DEGENARO: Thank you, Mayor.

25 MAYOR TUCCI: Okay.

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1 MR. ARIA: This is the November 12th

2 2019 regular meeting of the Planning Board.

3 This meeting is called pursuant to the Open

4 Public Meetings Act.

5 John Aria reads the Call to Order.

6 MR. ARIA: First order of business is

7 the review and approval of the Minutes for the

8 July 2019 meeting. Any questions? Changes?

9 Comments?

10 STEPHEN BRAY: I move we accept the

11 Minutes.

12 MR. ARIA: I will second that.

13 MAYOR TUCCI: Second.

14 MS. DEGENARO: Mayor Tucci?

15 MAYOR TUCCI: Yes.

16 MS. DEGENARO: John Aria?

17 MR. ARIA: Yes.

18 MS. DEGENARO: Stephen Bray?

19 MR. BRAY: Yes.

20 MS. DEGENARO: Gordon Heggie?

21 MR. HEGGIE: Yes.

22 MS. DEGENARO: James Miller?

23 MR. MILLER: Yes.

24 MS. DEGENARO: Christine Haney?

25 MS. HANEY: Yes.

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1 MS. DEGENARO: Thank you.

2 MR. ARIA: Next item of business is the

3 informal meeting. Mr. Surmonte?

4 MR. SURMONTE: Good evening.

5 MR. ARIA: How are you?

6 MR. SURMONTE: Well. Thank you. Do you

7 all have copies? I can't remember if it was 18

8 months ago or two years ago. Might have been
9 about 18 months ago we came in with a conceptual
10 plan for a three-lot subdivision at the terminus
11 of Dennis Street. It met with some resistance.
12 We laid low for a while and now the applicant
13 would like to propose a two-lot subdivision
14 fully-conforming.

15 In fact, the lot area, I mean, this lot
16 is 52,000 square feet in a 15,000 square foot
17 zone. As to the lots, they are
18 fully-conforming. The only relief we would ask
19 from the Board would be to allow us to construct
20 our access in such a way that it would be a wide
21 driveway with turnarounds, rather than
22 construction of a cul-de-sac. We just don't
23 feel, the cul-de-sac would just, would
24 aesthetically wouldn't be nearly as attractive
25 to serve the two lots. It would reduce the



1 building envelope for each lot. And there was
2 always a house at the end of the street, so
3 technically, we are really just adding one lot
4 to this street.

5 And that is why we are here. We would

6 like you to consider allowing us to work with
7 your Public Works Department and your Emergency
8 Services Department to see if we can come up
9 with a configuration that if the Board would be
10 receptive to that we could do something in lieu
11 of a cul-de-sac.

12 MR. ARIA does anyone want to make
13 comments on that?

14 STEPHEN BRAY: My first comment was
15 about the fire marshal, so they are willing to
16 work with them. I also feel a lot more
17 comfortable with the two lots versus the three
18 lots.

19 MAYOR TUCCI: Mr. Mullan, do you have
20 any?

21 MR. MULLAN: Only to add that I think
22 the two-lot configuration, does, you know,
23 comply with the bulk requirements, the lot area,
24 the setbacks. It will create building envelopes
25 that seem pretty comfortable and reasonable for

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1 homes that you could envision on these two new
2 lots. We do think that the, like a Residential

3 Site Improvement Standards or RSIS compliant
4 cul-de-sac bowl, if you will, at the end of the
5 dead end -- the straight dead end of the street.
6 Should be contemplated. Should be further
7 considered. I think it is a balance that you
8 would want to try strike between not going
9 overboard in requiring a paved bulb at the end
10 of this cul-de-sac and the new pavement, the new
11 runoff, the drainage involved, the things like
12 that, but you have to weigh that against, you
13 know, emergency access vehicles, snow plows, the
14 mail delivery, garbage trucks.

15 I don't know if you're prepared to
16 discuss or explain or somehow allay anyone's
17 concerns about the number of homes and the
18 vehicles that are going to utilize the street
19 knowing there is only going to be really one new
20 house, if there was a home at the end. There is
21 a balance there that we need to consider
22 striking.

23 Normally, you would default to putting
24 in a bulb at the end of the road, so that
25 vehicles easily have an easy time to turn



1 around, should somebody go down the road in
2 error, they can easily turn around without doing
3 a K-turn in somebody's private driveway.

4 Unless there is a configuration that the
5 applicant wants to describe that it's a T turn
6 around in an area that is not on private
7 property, perhaps, because otherwise you are
8 going to run the potential where folks are going
9 to drive down the end of the street and if they
10 are there and they want to exit the road, they
11 are going to have to pull into some driveway
12 arrangement, make a K-turn and head back out.
13 And that is just passenger vehicles. And then
14 you have to do the balance, like I said, the
15 garbage pick up. I don't know how the garbage
16 trucks get down the road now, so we have to at
17 least contemplate it, get the Board's gut
18 reaction to it.

19 My normal default is to suggest that
20 it's normally good practice to establish that on
21 the end of a street like this with more than two
22 or three homes being serviced, you know, all up
23 and down the length of the existing street. It
24 is an opportunity to introduce this improvement
25 which is this bulb at the end of the dead end

1 street, but naturally there is some competing
2 interest here and there is a balance to be
3 struck.

4 MR. ARIA: How wide would you say that
5 bulb has to be?

6 MR. MULLAN: I think the pavement radius
7 might be like 40 feet. It's not, you know, a
8 massive big bulb at the cul-de-sac. I don't
9 know if you have or the applicant had provided
10 any type of tax map or overview plan of this and
11 I can provide it to the applicant and hand it up
12 to the Board, but there is a cul-de-sac just to
13 the, I guess, maybe it's the west.

14 MR. SURMONTE: The east.

15 MR. MULLAN: So, Mitchell Street looks
16 like it had a short stub dead end street with
17 maybe three or four homes on the older, existing
18 road and then you can see a clear distinction
19 that they developed maybe six or eight new
20 building lots fully complying with the R-15 and
21 they put in a compliant bulb at the end of the
22 street. The way I am describing, you might want

23 to consider it at the end of Dennis Street.

24 STEPHEN BRAY: You are saying at another
25 six feet on the other side getting to 40?

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1 MR. SURMONTE: It would be a 40-foot
2 radius.

3 MR. MULLAN: Do you recall offhand? I
4 would have to double check that.

5 MR. SURMONTE: It would have to be at
6 least 40 feet, I believe.

7 MR. MULLAN: So there is some effort.
8 There is some space required, et cetera, but I
9 took a quick look at it and hand-sketched in
10 what I think the size of this turn around would
11 be. And again, it is a balancing act. There is
12 enough space to have this built with the
13 cul-de-sac turn around dedicated within the
14 public right-of-way, which is going to take
15 square footage out of the two building lots that
16 are being contemplated or proposed, but it still
17 leaves a very comfortable building envelope, so
18 that you could site the homes, you know, kind of
19 angled so there is two, new modern homes facing
20 this cul-de-sac. So I think from a value

21 proposition, it doesn't do any undue harm to the
22 project, but it could be subject to other input
23 from others, the fire official certainly should
24 have an opinion on it.

25 Normally, they would be inclined to want

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1 something like that, but I would defer to them.
2 And then the rest of it is kind of a practical
3 matter, you know, garbage trucks, postal
4 delivery, school buses, you know, if drivers
5 actually go down streets like this as part of
6 their normal practice which I am not sure of
7 offhand. I think we would look for input from
8 if there is a school bus coordinator we would
9 ask for feedback.

10 In addition to that, there is existing
11 underground utilities that are enveloped by
12 easements that basically run a T-configuration
13 down the end of Dennis and then in both
14 directions they T off, so that area is already
15 encumbered by an easement that must not be built
16 in, you know, with these new homes. So it's not
17 like we are completely, you know, removing this

18 space that was otherwise available for the
19 homeowner to enjoy at least with new structures
20 and building.

21 So I don't know how that sounds to the
22 Board and/or the applicant, designer, but that
23 would be my sense of the cul-de-sac bowl. And
24 that is really the only one ingredient of
25 significance in the proposal, in my opinion.

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1 MR. SURMONTE: Who would rule on
2 sidewalks and the extension of utilities?

3 MR. MULLAN: In terms of what would be
4 required?

5 MR. SURMONTE: Yes.

6 MR. MULLAN: The Board here would have
7 jurisdiction over the pavement design, the
8 pavement thicknesses, the curbs, the sidewalks
9 and anything that would be contemplated in the
10 public right-of-way that is created.

11 MR. SURMONTE: The Board would.

12 MR. MULLAN: So this Board would. And
13 the same with the exception of utilities. We
14 would comment on, you know, making sure there
15 was water, sewer, gas, telecommunications, all

16 run to the homes from the mains in the street
17 and/or proper easements established on the
18 private lots to accommodate that. You would
19 have to pull building permits and there would be
20 a whole different level of inspection and
21 coordination with the utility owners, but this
22 Board would, if this was considered as an
23 application, our commentary and recommendations
24 to the Board would address curbs, sidewalks,
25 drainage, you know, water main extensions,

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1 street lighting, those types of features.
2 MR. SURMONTE: Yeah, so I think that's
3 where we start to the economics of the
4 application start to get possibly get away from
5 us a little bit. We would certainly curving the
6 cul-de-sac would be something, but we are
7 talking about 300 feet of sidewalk, we are
8 talking about street lighting, possibly the
9 extension of a water main. There is a lot of
10 cost that really start to accrue. I think what
11 we are just trying to do is find a balance
12 between what makes sense economically and what

13 makes sense from a practical and safety
14 perspective from the Borough.

15 MR. SCALISE: Is there lighting near the
16 street kind of towards the end of Dennis already
17 that would be lighting up that potential?

18 MR. SURMONTE: You know, I don't recall.
19 I haven't been out there a year or two. I know
20 the water main stops from 10 feet from the
21 terminus of Dennis Street, but I am not sure
22 where the last street light is on Dennis Street,
23 but I would think if we are pushing any type of
24 public roadway extension in, what would likely
25 be almost 100 feet, probably 100 feet that there

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1 would probably be a requirement to extend the
2 street lighting there.

3 MR. MULLAN: Mr. Chairman, if you don't
4 mind, I have an exhibit that I would like to
5 handout to the applicant. It is just an aerial
6 photograph that shows you the existing homes in
7 the area surrounding the existing property. It
8 gives you a pretty good order of magnitude or
9 some perspective on the dimensions, the distance
10 and the surrounding area.

11 If you look at the second page, it will
12 show you the highlighted subject property at the
13 end of Dennis. It is a little bit, we weren't
14 able to highlight it on the aerial photograph,
15 on Page 1, but you will get the orientation from
16 the second page.

17 MR. ARIA: What exists a block over as
18 far as that turn around.

19 MR. SCALISE: Yeah, I think I agree
20 about the traffic perspective, like if somebody
21 comes down the street that doesn't belong there,
22 they just got there by accident, how did they
23 get out, right? That is the question. Is that
24 going to cause issues with other residents? I
25 think that is a valid point. If, for some

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1 reason, you are able to present something like
2 he said before that the fire marshal and all of
3 those other items are addressed, I think it's
4 worth listening to, but I think the turn around
5 is definitely something, you know, should be
6 addressed.

7 MR. MULLAN: Just to add to that, on

8 Mitchell Terrace, the other street with the
9 cul-de-sac bulb, I have to take a second look on
10 site to reorientate myself, but I would also
11 suggest when it comes all of the improvements up
12 and down both sides of the existing Dennis Drive
13 or Dennis Street, if you put the cul-de-sac bulb
14 at the end of the existing road, it is not an
15 all or nothing proposition. You don't have to
16 trigger curbs on both sides of the existing
17 street and sidewalks all the way out. There is
18 the potential to strike that balance where maybe
19 a waiver of any of the other improvements on the
20 existing road could be contemplated, but you
21 also require the bulb to be built at the end of
22 the street to match into the existing end of the
23 street as best we can without improving, you
24 know, the whole length of the existing street.
25 So that is the balance.

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1 MR. SCALISE: I would be open to hearing
2 that testimony when the time comes.

3 MR. ARIA: Yeah, I think the bulb is
4 more important than the other.

5 MR. HEGGIE: There is no existing

6 sidewalks?

7 MR. SCALISE: It is a dead end.

8 MR. SURMONTE: We started to add up the
9 cost of the cul-de-sac and it started to add up.
10 We don't disagree with the position you are
11 taking. We just thought that if we could work
12 with an alternative, but we're not too far
13 apart.

14 MR. SCALISE: I understand the applicant
15 came back with two versus three. We really
16 appreciate that aspect, yeah. It's interesting,
17 and I don't know what this does, but the angling
18 of the houses, from my perspective, feels a
19 little bit nicer that kind of your front door is
20 somewhat facing the street. I don't know if
21 that does anything negative, but seems
22 interesting. And if there is a way we can
23 strike a balance there, I think I would be open
24 to that conversation.

25 MR. IRENE: There is some cost to create

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1 the cul-de-sac. If you go that route, you
2 eliminate this common driveway situation which I

3 think is going to diminish, to some degree, the
4 value for prospective purchases because now they
5 have to deal with a neighbor who may not be
6 keeping up with his portion of the driveway, he
7 parks in the middle of it and it's something to
8 consider that you may get some of the value back
9 on the back end.

10 The Board Members are aware, it is an
11 informal hearing. There has been no Notice.
12 It's part of a public hearing tonight and there
13 are no interested parties. Obviously, none of
14 this is binding on the application, if they turn
15 it into an application. It's all preliminary.

16 MR. SURMONTE: Might there be a
17 consensus on the Board?

18 MR. IRENE: Non-binding consensus? I
19 think you've heard the comments.

20 MR. SURMONTE: I have.

21 MR. IRENE: Do you want to hear them
22 again?

23 MR. SURMONTE: No. I wanted to make
24 sure they were pretty much the same.

25 MR. SCALISE: I think the biggest thing

1 is the turn around how that could be justified
2 and I think we are saying that maybe.

3 MR. SURMONTE: Right.

4 MR. SCALISE: We are willing to listen
5 to some waivers and not making it a full
6 potential application as long as the fire
7 marshal agrees to any life safety concerns,
8 whatever they may be for a turn around.

9 MR. SURMONTE: Sure.

10 MR. SCALISE: I think the turn around is
11 a good thing, it seems like, just looking at
12 that sketch.

13 MR. BRAY: Well, when you see it next to
14 Mitchell Terrace, that pattern looks nice that
15 comparison.

16 MR. SURMONTE: Okay. All right. Well,
17 thank you. We will see you soon.

18 MR. ARIA: Have a good night.

19 MAYOR TUCCI: Mr. Chairman, could we go
20 back to the minutes of July 9th? I seconded
21 them and I was absent that night.

22 MR. ARIA: I will second them.

23 MS. DEGENARO: We are doing minutes for
24 what date?

25 MR. IRENE: July 2019.



1 MR. BRAY: I will move it again.
2 MS. DEGENARO: John Aria?
3 MR. ARIA: Yes.
4 MS. DEGENARO: Stephen Bray?
5 MR. BRAY: Yes.
6 MS. DEGENARO: Gordon Heggie?
7 MR. HEGGIE: Yes.
8 MS. DEGENARO: James Miller?
9 MR. MILLER: Yes.
10 MS. DEGENARO: Christine Haney?
11 MS. HANEY: Yes.
12 MS. DEGENARO: Thank you.
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3 MR. CHABAREK: Mr. Chairman, while
4 Counsel is setting up, I've reviewed the Notice.
5 They appear to be in order. The Notice
6 materials are in the Board file. Anybody in the
7 audience have any issues, questions or problems
8 with regard to the Notice materials? Not the
9 merits of the case. There will be time. On the
10 Notice only. No? Let the record reflect no
11 response. The Board has jurisdiction to hear
12 and consider the matter.

13 We are going to swear in Mr. Gregory
14 Gitto, our professional engineer, and Mr. Fran
15 Mullan.

16 Gregory Gitto and Fran Mullan, sworn.)

17 MR. IRENE: Let the record reflect they
18 have been sworn. We will let Mr. Steinberg put
19 his appearance on the record and we will see if
20 there is any other housekeeping matters.

21 MR. STEINBERG: Good evening Ladies and
22 Gentlemen of the Board, Mark Steinberg, Neptune,
23 New Jersey, Attorney for the Applicant.

24 MR. IRENE: Any other housekeeping
25 matters? We've sworn our professionals. Do you

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1 want to mark any of the exhibits that were
2 submitted with the application in advance or
3 mark them as we go?

4 MR. STEINBERG: Let's mark them as we
5 go. Basically, tonight we own, as a tenant --
6 as a subtenant, the property on Broadway which
7 is currently a Dunkin Donuts store, which I am
8 sure the Board is familiar with the site. It is
9 the intention of the operator, he is the
10 franchisee, and I will present him for
11 testimony, this building will be -- will go down
12 and we will then be building a brand new smaller
13 version of the current prototype for Dunkin
14 Donuts.

15 The building is about 40 or 50 years
16 old. It was one of the earlier Dunkin Donuts in
17 the Country. It's time for a change. It will

18 be smaller. We will provide some of the
19 amenities that are required by your engineers
20 for some site development which we will get into
21 with testimony and have a drive through, which
22 it does not have now, which would be in
23 substitution, and we will have testimony for
24 that, and some substitution for some of the
25 patrons who will not park on the site, but will

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1 come through the drive through. This is an
2 operation which is not as large and as intense
3 as the one that you have on Route 36, which I
4 don't know if that is West Long Branch or not.

5 MR. BRAY: It is.

6 MR. STEINBERG: It is a much more
7 intense site. It is very heavily-traveled.
8 Several iterations to the Freehold Planning
9 Board, to the Monmouth County Planning Board, in
10 Freehold, and we have just sent a new one and
11 they've gotten the idea to improve. Since the
12 entrance and exit are on Broadway, which is a
13 County road, they would control as to that.

14 Any approval, which I hope we would get,
15 would be subject to their final approval by the

16 Monmouth County Planning Board. I have tonight
17 with me the owner-operator, the architect, the
18 engineer and our traffic expert. And I would
19 like to commence, if I may, with Rahul Shah.

20 (Rahul Shah, sworn.)

21 DIRECT EXAMINATION BY MR. STEINBERG:

22 Q. The proper pronunciation of the
23 applicants, and I've learned it tonight, because I
24 would say SNEH Foods?

25 A. SNEH Foods.

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1 Q. It's named after one of his daughters,
2 part of her name. When we discussed tonight how to
3 present it, I was told I was not properly pronouncing
4 the name. I thought it was initials. You are the
5 managing members of SNEH Foods?

6 A. Yes, I am.

7 Q. And how long have you been operating
8 this Dunkin?

9 A. 2006.

10 Q. And prior to 2006, was it a Dunkin?

11 A. It was a Dunkin.

12 Q. How old is it?

13 A. I would say it is 40 years old.
14 Q. And was it one of the early doughnut
15 shops in the Country?
16 A. It was. It was one of the few stores.
17 Q. In the United States?
18 A. In the United States.
19 Q. And it now -- now you are the subtenant;
20 is that correct?
21 A. I am subtenant, that is correct.
22 Q. And of the Dunkin Donuts?
23 A. Dunkin Donuts owns the lease and I am a
24 sublease.
25 Q. And they lease it --

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1 A. Lease it.
2 Q. -- from the property owner, which is all
3 disclosed in the application that we've made. Now,
4 there has come a time now that you and Dunkin
5 National have made a decision on this site? What is
6 that decision?
7 A. They want to make a more efficient
8 building, smaller version and with a drive through
9 and much efficient operationally inside, so traffic
10 can flow such faster and the service is better.

11 Q. When you say, traffic, we are talking
12 about interior?

13 A. In interior and exterior traffic also.
14 Drive through. Any other Dunkin Donuts you see, one
15 on Hope Road brand new.

16 Q. I don't think that one opened yet. Did
17 it open?

18 A. Yeah, it did.

19 Q. I passed it. That would be the style
20 and the colors and everything that we would be
21 planning?

22 A. Pretty much.

23 MR. BRAY: I'm sorry. You said it was
24 Hope Road?

25 MR. STEINBERG: Hope Road.

↑

27

1 MR. BRAY: Across from U.P.S.

2 Q. It went up overnight. On the way to the
3 Parkway. So you would have more interior operations
4 so your employees could produce the product and
5 supply it to the public faster?

6 A. Much better, faster service.

7 Q. And your building interior-wise is

8 antiquated then?

9 A. That is right.

10 Q. So you would continue to operate this

11 building?

12 A. I will.

13 Q. And what are your hours of operation now

14 and what will they be afterwards?

15 A. So, it is 4 to 11 now. We will be

16 making it 4 to 10.

17 Q. And that is seven days a week?

18 A. Seven days a week.

19 Q. And currently, how many employees do you

20 have on your major shift which I assume would be the

21 morning?

22 A. It is a morning. Morning hours, we

23 typically have four people. That is a busy time.

24 Our peak time is between 7:00 and 9:00 in the

25 morning.

↑

28

1 Q. And you would be adding more than one or

2 two for the drive through?

3 A. I would say one on the weekday

4 wintertime. Probably in the summertime, one more.

5 Q. That would be your peak?

6 A. That is right.

7 Q. And other times, it would be less
8 employees?

9 A. Two or three.

10 Q. Your employees all drive to work?

11 A. They don't. I would say probably 50
12 percent drive. Half of them walk and they come by
13 train. I've seen people coming by train also.

14 Q. Any other changes you will be making to
15 the site, other than the site, the way it's been
16 supplied that the Board should know about?

17 A. No.

18 Q. That would be presented by your
19 engineer.

20 MR. STERNBERG: I have no further
21 questions of the operation, basically. It's
22 not going to be much different, but more
23 efficient. That is what I am hearing. I have
24 no further questions of Mr. Shah at this point.

25 MR. ARIA: Any questions from the Board

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29

1 Members? Any questions from the public?

2 MR. IRENE: Stand up and give your name

3 and address.

4 MS. DOREMUS: Jennifer Doremus,
5 D-O-R-E-M-U-S. We back right up to you, 21
6 Heidl. We are directly behind the Dunkin
7 Donuts. We just want to say we're not in any
8 way opposed to your drive through at all. It's
9 more business to you. It's going to be 25
10 percent increase in business. That is great
11 for us. That is great for a town. I don't
12 want to hear the Squawk Box at 4 a.m. It is
13 the noise ordinance we are going to have an
14 issue with.

15 MR. STEINBERG: I don't want to
16 interrupt. We have professionals who are going
17 to give location, the setup of the exterior,
18 what's changing and those individuals would be
19 better questioned by you.

20 MS. DOREMUS: If you do expect to have
21 the drive-through operating at 4 a.m.? Okay.

22 MR. STEINBERG: That is a question you
23 could ask us. Is the drive through open at
24 4 a.m.?

25 MS. DOREMUS: It will be open when your

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1 regular hours are. That is it so far then. I
2 will wait.

3 MR. MULLAN: Could I ask for clarity,
4 the hours will be 4 a.m. to 10 p.m.?

5 THE WITNESS: That is correct.

6 MR. MULLAN: Seven days a week?

7 THE WITNESS: Yes.

8 MR. ARIA: The drive through will be
9 open all of the hours?

10 MR. SHAH: That we are in business.

11 MR. MULLAN: A couple of questions from
12 an operational perspective, the deliveries to
13 the site and the trash pickup and the backing up
14 of the trash truck, the same general theme is
15 going to, we have tonight's discussion about how
16 can we, what kind of impacts do we expect to the
17 adjoining properties especially in those
18 sensitive hours, you know, 4 a.m., 10 p.m.,
19 summer season, they are in their backyards
20 enjoying their patio, you know, what do we
21 expect and what can we consider to mitigate and
22 reduce any negative impacts?

23 MR. STEINBERG: First of all, let me get
24 testimony to Mr. Shah as to deliveries and as we
25 get to the engineering, we have some answers to

1 those questions, because we kind of laid out the
2 site a little better than submitted based on
3 your comments.

4 Q. You get deliveries every day of
5 doughnuts by a box truck?

6 A. We get a doughnut delivery every day,
7 middle of the night. Box truck every day, seven days
8 a week.

9 MR. IRENE: What does, middle of the
10 night, mean?

11 MS. DOREMus: Can we interrupt? It's
12 2:30 in the morning, because we hear it.

13 MR. IRENE: You will have an
14 opportunity.

15 Q. What time is the box truck coming?

16 A. Right now, it's between 1 and 3:00 in
17 the morning.

18 Q. And where is the delivery?

19 A. It's in the back of the store. Back of
20 the store. They come in the backdoor and that is --

21 Q. And that truck then -- so that stays the
22 same.

23 A. It stays the same. Delivery is the
24 same. No change.
25 Q. And you have your supplies delivered

↑

32

1 once a week; is that correct?
2 A. Somebody from Dunkin is once a week. It
3 comes on Thursday. It comes between 10 and 12 in the
4 morning.
5 Q. And that is once a week.
6 MR. ARIA: What delivery is that once a
7 week?
8 Q. The general supplies. The general
9 supplies, the paper goods, the milk, soda; is that
10 correct?
11 A. That is correct. All of the coffee
12 beans and all of the things you see inside, the food.
13 Q. So what is delivered is the doughnuts at
14 two or three in the morning?
15 A. That is correct.
16 Q. Only the doughnuts?
17 A. Only the doughnuts.
18 Q. You don't bake on site?
19 A. We don't bake on site.
20 Q. How long have you not baked on site?

21 A. In 2008 -- wait a minute. This site
22 never baked. We baked at Route 35 store, on 35
23 South. We never baked on this site. It used to be
24 50 years back some other owner. Other owners are out
25 in Freehold.

↑

33

1 Q. Since you have been operating this since
2 2006, this is the way you get your doughnuts
3 delivered?

4 A. That is right.

5 Q. You have trash pickup?

6 A. We have trash pickup.

7 Q. We have relocated the trash enclosure,
8 so we will get to that by the engineer. So what is
9 the trash pickup?

10 A. The trash pickup right now, in the
11 summertime, there is two pickups. And, in the
12 winter, one.

13 Q. What time of day is that?

14 A. I believe it's the same, it's early
15 morning. And I believe some people had problems, so
16 we moved it to another part of the day. It's around
17 10, between 10 and 11.

18 Q. It would be after your morning rush
19 hour?

20 A. That is correct.

21 Q. And that is by contract?

22 A. That is by verbal. Not a written
23 contract, but some kind of a thing for Long Branch
24 Ordinance and --

25 Q. That wasn't the question. You contract

↑

34

1 with the hauler?

2 A. That's correct.

3 Q. So you can tell him what time to come?

4 A. Absolutely.

5 Q. And you tell him to come after 10:00,
6 otherwise there is too much activity on the site?

7 MR. IRENE: Twice per week in the summer
8 and once per week in the winter?

9 THE WITNESS: Yes.

10 MR. MULLAN: Can you just help us with
11 the summer months? What months are they?

12 THE WITNESS: They are typically June,
13 July, August.

14 MR. MULLAN: June, July, August would be
15 the summer months that you have two trash

16 pickups.

17 THE WITNESS: That is correct.

18 MR. MULLAN: All of the other ones would
19 be one.

20 THE WITNESS: We continue two pickups
21 until September also. We make sure everything
22 is okay. We know the traffic, we know the ways.
23 We can extend until the end of September. After
24 September, we say, okay, it's going to be one
25 pickup.

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35

1 MR. IRENE: The recyclables are picked
2 up with the trash or different times?

3 THE WITNESS: The is the same time.

4 MR. IRENE: They pick them up together.

5 THE WITNESS: Yes, that is correct.

6 MR. MULLAN: Does that mean there is
7 going to be one truck making one visit to the
8 site to pick up both materials?

9 THE WITNESS: I didn't confirm that. I
10 don't -- I think they come on the same day.
11 They come on the same day. I don't think this
12 is one.

13 MR. MULLAN: It wouldn't seem feasible
14 to have one truck pick up.
15 THE WITNESS: Right. We have two trucks
16 coming, I think, in the same day.
17 MR. MULLAN: They will be in the same
18 day, same one-hour window.
19 THE WITNESS: It comes after 10:00.
20 MR. MULLAN: After 10 in the morning and
21 before what time?
22 THE WITNESS: Two.
23 MR. MULLAN: Okay.
24 Q. And that is Monday through Friday?
25 A. That is -- yes, Monday through Friday,

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36

1 but again they can always change. I can tell them
2 not 10, make it 12. This is a carting company, so I
3 can always control that.
4 MR. STEINBERG: Right. So if the Board
5 has any specific restrictions on that pick up
6 we can comply with that.
7 MR. MULLAN: One small detail about
8 that, are you familiar with like when the
9 driver enters the property, does the truck have
10 to back up in any way to pick the material up

11 and then trigger the back-up alarm on the
12 truck?

13 THE WITNESS: Yes. The dumpster is in
14 the corner, right, so what we do is, before the
15 truck comes, we put the cones two or three
16 hours.

17 MR. MULLAN: To keep cars from parking.

18 THE WITNESS: To keep from parking. So
19 the guy comes in, takes the garbage.

20 MR. STEINBERG: We are relocating the
21 dumpster not near the cones, but closer to the
22 building and our engineer and our traffic expert
23 will testify.

24 MR. MULLAN: All right. While the owner
25 is explaining this for us, the operator. So

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37

1 currently, if you look at their plans and the
2 existing sheet, the existing conditions, the
3 existing dumpster is in the back far right
4 corner tucked up against adjacent residence,
5 right, within five feet of the fence or the
6 property line with the adjoining residence.

7 MR. STEINBERG: Yes.

8 MR. MULLAN: And your site plan shows
9 the dumpster and the recycling enclosure put on
10 the far left corner, rear corner of the property
11 again tucked in between two adjoining
12 residential properties, but you are going to
13 present tonight a different?

14 MR. STEINBERG: It's moving, it's moving
15 away from the back property lines.

16 MR. MULLAN: On the right side of the
17 property where the --

18 MR. STEINBERG: No. No. Right here,
19 basically.

20 MR. MULLAN: I would suggest when we see
21 that, it sounds like it is an improved location
22 much further from the residential properties
23 than previously presented.

24 MR. STEINBERG: Yeah. We took your
25 letter to heart and we tried to make as many

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38

1 changes as we can, so when the engineer comes he
2 did bring an overlay and, of course, we will
3 have to figure out how to do that.

4 MR. MULLAN: Do you have any other
5 questions? The only other question I would have

6 is when the doughnut delivery happens, you've
7 described step van or a box truck?

8 THE WITNESS: It is a box truck.

9 MR. MULLAN: Is that similar to a
10 U.P.S.-style truck?

11 THE WITNESS: Yeah, it's probably
12 smaller than that.

13 MR. MULLAN: And it fits into a single
14 parking stall?

15 THE WITNESS: It does.

16 MR. MULLAN: Does the driver normally
17 park as close to the building as he can?

18 THE WITNESS: Right now, he parks right
19 behind the exit.

20 MR. MULLAN: If he wants to get out of
21 the truck and right into the building to the
22 rear right entry door --

23 THE WITNESS: He can. The point is that
24 he has to go all the way to the kitchen to grab
25 something, so it's more time for him.

↑

39

1 MR. MULLAN: What I would suggest, it
2 sounded like the question is, can the truck park

3 in the front space of the building closest to
4 Broadway, so that it doesn't disturb the
5 neighbors in the rear? Can the truck park in
6 the front and access the front door versus the
7 back -- versus the delivery person come to the
8 front of the building?

9 THE WITNESS: We can consult with that.

10 MR. STEINBERG: That would eliminate the
11 2, 3 a.m. in the back. We can agree to do our
12 deliveries through the front entrance. I think
13 it is here. I think if he pulls into the
14 handicap space.

15 MR. MULLAN: The business isn't open at
16 the time of this delivery.

17 AUDIENCE MEMBER: Stay in the aisle.
18 Nobody is coming at 2:00.

19 MR. STEINBERG: You know, we could set
20 it five feet from the property line for that
21 delivery.

22 MR. MULLAN: The only other thing that
23 comes to mind would be if the truck is idling
24 the whole time. How long start to finish once
25 he enters the property does it take him to empty

↑

1 the truck?

2 THE WITNESS: Not more than five to six
3 minutes, seven minutes at the most. It is a
4 rack that comes in, it comes down, they put it
5 inside, the empty rack is ready, they put it on
6 the lift gate.

7 MR. STEINBERG: You can leave the empty
8 rack by the door.

9 THE WITNESS: Yeah.

10 MR. MULLAN: For that length of time,
11 the truck wouldn't be idling, it would be turned
12 off, the headlights would be not on.

13 MR. STEINBERG: Even if the headlights
14 were on and they turned into the handicap, they
15 would be on. And some screening in the back.

16 MR. MULLAN: If this proceeds, the
17 vehicle should park in a striped stall, so it is
18 not facing a residence at all. The truck is not
19 idle. The truck park in one of the first two
20 striped parking spaces only.

21 MR. STEINBERG: We can agree to that.
22 The delivery will be facilitated through the
23 front door, so the movement will be
24 interior-wise and not back up or anything that
25 would disturb the neighbors because I think they

1 would be about 75 feet from the rear property
2 line.

3 MR. MULLAN: I think it would be more.
4 The building itself is going to be 72 feet or
5 thereabouts from the rear property line. The
6 closest corner of the proposed building, so the
7 truck will be beyond 100 feet from the rear.

8 MR. IRENE: Was there a comment about
9 putting the handicap space right in front?

10 MR. STEINBERG: I said that. It doesn't
11 matter.

12 MR. IRENE: 2:00 in the morning is in
13 front of the building?

14 MR. MULLAN: It's totally suitable to
15 me. From a site plan perspective, I don't think
16 anybody is enforcing handicap violations when
17 the business isn't open at that time in the
18 morning for sure. I think that is an easy way
19 to write the required limit.

20 MR. STEINBERG: We have no problem
21 putting a handicap.

22 MR. IRENE: The building screens the

23 view from the neighbors.

24 MR. MULLAN: Your hand truck or whatever
25 it is.

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42

1 MR. STEINBERG: We will do all of our
2 movement interior-wise.

3 MR. MILLER: Is there a way to add
4 signage there? Handicap towards a certain time
5 period?

6 MR. STEINBERG: First of all, I don't
7 think that's permitted handicap-wise. I just
8 think they are going to pull in real fast,
9 deliver and pull out. The business is not open
10 at two or three in the morning. Certainly have
11 to be out by 4, but you're operational at 4, so
12 all of your doughnuts are ready for 4. We want
13 to eliminate the delivery -- not eliminate, but
14 encourage the delivery close to the front of
15 Broadway and away from more than 70 to 80 feet
16 away away from the neighbors in the back and now
17 they come in the back. Do they come in the back
18 now, right?

19 THE WITNESS: Yeah.

20 MR. STEINBERG: They back up and beep?

21 THE WITNESS: I don't know.

22 MR. STEINBERG: I'm sure they beep. I'm
23 sure the trucks are set up that way. Again, we
24 would agree as a condition and that would load,
25 and I don't know how you would condition that.

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43

1 I don't know if you want to park in the handicap
2 space, but we would load from the front of the
3 building and have the building screen the truck
4 without saying the words.

5 MR. IRENE: Space Number 15. Space
6 Number 15.

7 MR. STEINBERG: That works. We would
8 certainly abide by that. If that helps the
9 neighbors, we would be glad to do that.

10 MR. MULLAN: Other things that we would
11 ask is for any explanation or clarity on are
12 there any new sounds or noise generated by the
13 newer building, the mechanical units? Are there
14 any new emissions that are discharged from the
15 building systems at all? Any new odors?
16 Anything like that, that you know of?

17 MR. STEINBERG: No. The only thing we

18 will have a speaker for the drive through. We
19 have testimony on that where the placement is.
20 It's the latest version which we testified by
21 our architect, I believe, is placed within two
22 feet of the drive-up window and it does have a
23 day and night switch. I don't want to testify.

24 MR. MULLAN: Just for general
25 orientation, is the speaker where the cars enter

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44

1 the queue aisle or is it at the service window?

2 MR. STEINBERG: It is in this area where
3 it says, menu.

4 MR. MULLAN: They are indicated where
5 there is a Parking Space 17, there is a
6 generator and a menu and a mic/canopy note with
7 a rectangular image.

8 MR. STEINBERG: There will be testimony
9 in a second. It's not the old-fashioned menu
10 board with a speaker in it, okay? It is a menu
11 board and a separate stand-alone speaker which
12 is now placed within two feet of the driver's
13 window so that the communication is directly
14 with the driver. It avoids ambient noise
15 interfering with that and it permits us to make

16 it a direct shot into the driver and it does
17 that and we will testify as a day and night
18 switch, so the volume goes down at a certain
19 hour.

20 Because we don't have the traffic on
21 Broadway late at night or even early in the
22 morning.

23 MR. MULLAN: Your proposal is to
24 basically clear the entire site of all that's
25 existing improvements with the limit, with some

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45

1 limited existing pavement, perhaps, left in
2 place and salvaged and built upon. There is a
3 Sheet Number 2 of 19. Existing conditions and
4 demolition plan, so the site is going to
5 basically be stripped of all of the improvements
6 and everything that you are proposing is going
7 to be new improvements, new construction. Okay.

8 I want to just point out that the
9 Ordinance requires a minimum 25-foot buffer
10 along property lines where commercial uses, like
11 this one, abut adjoining properties that either
12 have existing residential uses or residential

13 zones. And I believe the rear properties are
14 all zoned residential and the property to the
15 left or the east of the subject site has two
16 existing homes on it, so they are residential
17 uses. There is like a front house and a rear
18 house.

19 I would point out that the existing
20 Dunkin Donuts building looks like it's about 14
21 feet off the rear corner is about 14 feet from
22 the property line to the east to the left of the
23 site and about nine-and-a-half feet is the front
24 corner of the building from that side property
25 line. The proposed building is closer to 24

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46

1 feet further into the property. However, they
2 are proposing a new drive lane for service and a
3 bypass lane that is going to occupy that 24
4 feet, so there is no provision for a landscaped
5 buffer along either of these property lines to
6 the left or to the rear.

7 So I just point that out as a point of
8 orientation.

9 MR. STEINBERG: We have taken it to
10 heart and there will be some buffer to the rear.

11 MR. MULLAN: Understood.

12 MR. STEINBERG: It's almost impossible
13 to buffer the east property line.

14 MR. MULLAN: And accomplish everything
15 you are proposing because there is not enough
16 space to accommodate 25 feet, plus the driveway
17 lane, and the bypass lane and the 32-wide
18 building and all of the parking. Something
19 would have to be conceded. Something would have
20 to be eliminated to put a buffer on the
21 left-hand side of the site.

22 Or where I was going with this, I
23 normally would ask developers, applicants, did
24 you investigate and research whether or to the
25 there is any suitable property to the left that

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47

1 you can purchase or get an easement or somehow.

2 MR. STEINBERG: I have written to the
3 adjacent property owner to the east and he
4 hasn't answered me.

5 MR. MULLAN: The nature of your letter?

6 MR. STEINBERG: We had some problems and
7 he hasn't communicated to me. 830 Broadway

8 next-door.

9 MR. STEINBERG: You didn't receive what?

10 AUDIENCE MEMBER: Never received
11 anything. No letter. No nothing.

12 MR. MULLAN: For the Board's purposes,
13 that lot scales about 50 feet wide to the left
14 of the subject property. If the applicant
15 wanted to accomplish all that, they are
16 proposing on their property and we wanted to
17 achieve a 25-foot buffer, you would essentially
18 have to buy the adjoining property and create
19 the space and add it to this property to create
20 25 feet of landscape buffering.

21 I just put it out there as one way to
22 achieve a 25-foot buffer along the left property
23 line or we start the contemplate, you know,
24 redesigning some of the Dunkin Donuts's
25 improvements to create space along that property

↑

48

1 line for some type of buffering elements. It's
2 one or the other. Or you forgo buffering that
3 takes up room perhaps a fence and a minor strip
4 of some type of landscaping.

5 MR. IRENE: It may be a question for the

6 engineer when we get the engineer up. Was there
7 any consideration if you can't provide the
8 before because buffer two things, you got the
9 distance, you got the aesthetics and you have
10 some sound deafening qualities. If you don't
11 have the aesthetics, which nobody is going to
12 see on that side of the fence anyway, is there
13 any exploration of enhancing the sound deafening
14 of ability of that fence.

15 MR. STEINBERG: Yes. Your engineer
16 indicate instead of vinyl fence, we would go
17 with a board-on-board cedar. We have no problem
18 with that.

19 MR. MULLAN: I want to alert the
20 applicant that the Board may have additional
21 sound-deadening, noise mitigation, different
22 styles.

23 MR. IRENE: I wasn't necessarily talking
24 about a board-on-board fence versus a vinyl
25 fence.

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49

1 MR. STEINBERG: Some sort of a
2 soundproofing fencing.

3 MR. MULLAN: Taller fence. A
4 soundproofing. Also I did suggest that they are
5 proposing vinyl which is pretty standard for
6 these sites, but I wanted to at least open the
7 conversation about alternative materials perhaps
8 a board-on-board. Perhaps wood that stained for
9 aesthetic matching with the building facade
10 versus just a commercial-looking vinyl fence,
11 but of course that is a Board judgment call.

12 MR. STEINBERG: Unfortunately, the site
13 is what it is. We wanted to develop it within
14 the parameters of the site and when you ask us
15 to purchase property on either side we have to
16 go back to our -- by the way, we have spoken to
17 the owner on the opposite side, that would be
18 the west side. Actually, we met with him. He
19 has asked for a couple of changes to the plan
20 which we've agreed to.

21 Our engineer will get into shortly. You
22 are talking about we are subtenants of this
23 site, so that means it has -- the people that
24 would have to purchase this, the actual owner
25 which is a trust out of Saratoga, New York and

↑

1 they don't have any more money to purchase. It
2 would be extremely difficult to purchase
3 property because we are a third tier in the
4 occupancy, number one.

5 Number 2, we're not adverse to any
6 suggestions that you may have as we proceed to
7 better provide sound attenuating materials or
8 plantings in addition to what we do propose in
9 order to accommodate the site.

10 MR. IRENE: In line with Mr. Mullan's
11 comments, one of the difficulties, the site is
12 undersized for the zone; is that right? I am
13 looking at the zoning table. It looks like we
14 got lot area of 18,000 square feet.

15 MR. MULLAN: Right. All of which is
16 pre-existing.

17 MR. IRENE: That is true.

18 MR. STEINBERG: The alternative is not
19 to redevelop the site and use it as it is which
20 we don't want to do. I think it would be both
21 beneficial to the adjacent property owners and
22 to the Borough for a new, better-improved and
23 nicer-looking site. We need to balance all of
24 that.

25 MR. IRENE: Underscoring Mr. Mullan's

1 comments trying to make things fit.

2 MR. STEINBERG: I am going to first give
3 you the architect to show you the pretty
4 pictures. That is the next part. That doesn't
5 take long. I don't know if anybody has any more
6 questions of Mr. Shah.

7 MS. O'NEILL: One more question, about
8 the generator being proposed, where's the
9 location and will there be a noise pollution
10 concern?

11 MR. STEINBERG: Okay. Have the answers,
12 we are asking for approval of the generator pad
13 site. We're not sure if we are going to install
14 it, that is number one. We don't want to
15 prevent the C.O., if we don't install it. We
16 need to regulate that. Number 2, our engineer
17 will testify that it is tested once a week for
18 10 minutes and it will be done during --

19 MS. O'NEILL: Minimally.

20 MR. STEINBERG: Yeah, it's very close to
21 the building. It's similar to that location.
22 We redesigned that a little bit, too, and it's

23 going to have some landscaping around it, if you
24 can wait for that. It is an important question,
25 but I think our engineer can answer some of that

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52

1 stuff.

2 MR. IRENE: Do you have another set of
3 plans that you can hand out to the interested
4 parties, so they don't have to try and see
5 what's up on that board?

6 MR. STEINBERG: I gave you 27.

7 MR. IRENE: Next time we are going to
8 ask for 28.

9 MR. STEINBERG: We have proposals to the
10 engineer's site plan.

11 MR. STEINBERG: The original set of
12 plans for the architect, if we could mark in
13 A-1.

14 MR. IRENE: Yeah, Floor Plans and
15 Elevations prepared by Frank -- your last name,
16 sir?

17 MR. TRUILO: Truilo.

18 MR. IRENE: Truilo, T-R-U-I-L-O, R.A.,
19 three sheets May 29th 2019, no revisions.

20 MR. TRUILO: 11/8/19.

21 MR. IRENE: Do we have those?
22 MR. TRUILO: This is a slight variation.
23 MR. IRENE: Let's mark the originals
24 A-1, the ones dated May 29th 2019. That is what
25 the Board Members are looking at.

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1 (Whereupon A-1 - Floor Plans and
2 Elevations prepared by Frank Truilo, R.A., May
3 29 2019, were received and marked into
4 evidence.)
5 MR. STEINBERG: We will tell you the
6 proposed changes.
7 MS. DEGENARO: That is what? What
8 exhibit is that?
9 MR. IRENE: A-1.
10 MR. STEINBERG: Not to hold you in
11 suspense, what we have done, we've moved the
12 building up six feet closer to Broadway, so we
13 can get landscaping in the back and we have
14 changed from two-window pickup to one-window
15 pickup for the architectural. We will explain
16 that all to you. We will bring everything
17 forward.

18 MR. MULLAN: Excuse me, Mike. This is a
19 housekeeping or procedural item. There was a
20 letter dated October 11th for completeness
21 review and waiver requests.

22 MR. IRENE: For completeness waivers?

23 MR. MULLAN: Yes.

24 MR. IRENE: Not site plan waivers.

25 MR. MULLAN: Correct.

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1 MR. STEINBERG: I guess we request the
2 waivers first.

3 MR. IRENE: We are kind of into the
4 hearing. Why don't we clean up the waivers, so
5 we can continue with the hearing, so we have
6 completeness waivers.

7 MR. BRAY: I will move we accept the
8 completeness waivers.

9 MR. IRENE: The Board can ask for a
10 recommendation from the Board Engineer's review
11 letter. Second anyone?

12 MR. SCALISE: Second.

13 MS. DEGENARO: That was --

14 MR. IRENE: This is for granting
15 completeness waivers, so we can proceed with the

16 merits of the application.
17 MS. DEGENARO: Gotcha.
18 MR. BRAY: I moved it.
19 MR. SCALISE: Second.
20 MS. DEGENARO: Mayor Tucci?
21 MAYOR TUCCI: Yes.
22 MS. DEGENARO: John Aria?
23 MR. ARIA: Yes.
24 MS. DEGENARO: Sarah O'Neill?
25 MS. O'NEILL: Yes.

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1 MS. DEGENARO: Stephen Bray?
2 MR. BRAY: Yes.
3 MS. DEGENARO: Gordon Heggie?
4 MR. HEGGIE: Yes.
5 MS. DEGENARO: James Miller?
6 MR. MILLER: Yes.
7 MS. DEGENARO: Anthony Scalise?
8 MR. SCALISE: Yes.
9 MS. DEGENARO: Christine Haney?
10 MS. HANEY: Yes.
11 MR. IRENE: Thank you, Fran.
12 Frank Truilo, R.A., sworn.

13 DIRECT EXAMINATION BY MR. STEINBERG:

14 Q. What is your occupation?

15 A. I am a licensed architect from New
16 Jersey Institute of Technology School of Architecture
17 1981, became a licensed architect in New Jersey 1986.
18 I am also licensed in the States of New York,
19 Pennsylvania, Connecticut, Maryland and Virginia.
20 I've testified before, I would say, 80 to 90 Boards
21 throughout the State of New Jersey and I am a member
22 of the American Institute of Architects.

23 Q. And you do a lot of Dunkin Donuts,
24 correct?

25 A. Yes, I've done many Dunkin Donuts over

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1 26 years.

2 Q. At one time, you were employed by the
3 Dunkin Donuts?

4 A. Yes, I was the construction manager with
5 Dunkin Donuts from 1983 to 2003 -- 1993 to 2003, I'm
6 sorry. For the last six years, I've been in private
7 practice and my biggest client is Dunkin Donuts.

8 MR. IRENE: Does anybody have any
9 questions about Mr. Truilo's credentials or
10 will we accept him as an expert in the field of

11 architecture?

12 MR. ARIA: We'll accept him.

13 MR. IRENE: We will? We will.

14 MR. TRUILO: Thank you.

15 Q. Can you describe the old set that's been
16 planned?

17 A. Yeah, if you look at the plan drawing
18 A-1, which is the floor plan of the building, just
19 for reference, to the left of the sheet is Broadway,
20 down lower portion would be the parking lot and the
21 drive-through side would be on the top of the sheet.
22 And the only change we made is, we went from two
23 drive-through windows to one drive-through window.
24 We eliminated the one at the corner and kept the one
25 that is about 23 feet 5 inches setback from the front

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1 of the building.

2 Q. We will submit full sets of the plans.
3 We did that as part of our immediate recent change to
4 move the building up a little bit to get landscaping
5 in the back and we eliminate one of the windows.

6 A. There is only one drive-through window.
7 The entranceway is in the corner. We have a

8 vestibule. The front counter is here. We are moving
9 the Dunkin Donuts from the traditional back line to
10 the front line, so we have bakery-case type, doughnut
11 case on the front line. The drive-through window is
12 here with all of our brewing coffee equipment. We
13 have two ADA compliant restrooms And then we have the
14 stockroom and the kitchen area in the back.

15 So that is the only change, from the
16 drawing you have, is the window remains where it is
17 here, but we eliminated at the front corner.

18 Q. You couldn't switch those two windows
19 because of the internal operation?

20 A. Yes. To maximize operational
21 efficiency, we need the window here about 23 feet 5
22 inches from the front of the building to maximize
23 internal operation efficiency.

24 MR. BRAY: Is it still the same
25 footprint overall?

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1 THE WITNESS: Yes. The footprint is
2 exactly the same. Meets and boundaries are
3 exactly the same.

4 MR. IRENE: Is that the only change
5 between the revised sheet?

6 THE WITNESS: The drive-through
7 elevation changed. I will show you the colored
8 renderings in a second, but that also changed.
9 Drawing A5AC changed -- I'm sorry.

10 MR. IRENE: Mark the set?

11 MR. STEINBERG: Mark the set as A-2 in
12 evidence.

13 MR. IRENE: Do you have a complete set
14 or are they separate sheets on boards?

15 THE WITNESS: The three sheets you have,
16 I have three boards matching the sheets that you
17 have. The only revision on the floor plan, like
18 I said, the elimination of the second
19 drive-through window.

20 Q. Does that change any more -- does that
21 change any other plans, other than A-1 or does it
22 change them all?

23 A. It changes A-1 and it changes the
24 elevation. The drive-through elevation which, I am
25 sorry, is on A5.

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1 MR. IRENE: Mr. Truilo is going to mark
2 for us as Exhibit A-2, which is revised, going

3 to be very interesting, revised A1 of Exhibit
4 A1 and A-2 is dated, what is the revision date
5 on that?

6 THE WITNESS: Current drawing is
7 11/8/19.

8 MR. IRENE: A-2 is revised sheet A1 of
9 Exhibit A-1 and it's revised through November 8,
10 2019.

11 MR. STEINBERG: And there is a second
12 sheet.

13 MR. IRENE: We are going to get there,
14 too.

15 MS. DEGENARO: So we don't have that.

16 MR. IRENE: A-2.

17 MS. DEGENARO: I'm sorry. I want to
18 back up a second. We have A5. Do we have that
19 exhibit?

20 MR. IRENE: We have A-1, which is the
21 original set of architectural plans.

22 MS. DEGENARO: Correct. I have that.

23 MR. IRENE: That is all I have.

24 MS. DEGENARO: I have A5.

25 MR. STEINBERG: That is a different A5.

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1 That is the architect A5. That is not an
2 Exhibit A-5.

3 A. A-2.

4 Q. Is your old A-1, revised through
5 11/8/19. I guess A-3 would be your A5?

6 A. When we get to it, I will mark it.

7 Q. Okay.

8 (Whereupon Exhibit A-2 - Revised sheet
9 A1 of Exhibit A-1 revised through November 8,
10 2019 was received and marked into evidence.)

11 A. Does anyone have any further questions
12 on the footprint of the floor plan? Now we are
13 looking at the elevations. This is Drawing A5 dated
14 11/8/19.

15 Q. So this would be labeled A-3, which
16 would be revised A5, 11/8/19.

17 MR. IRENE: Exhibit A-3 is revised sheet
18 A5 AC from Exhibit A-1 and it's dated November
19 8, 2019. How about that?

20 (Whereupon Exhibit A-3 - Revised sheet
21 A5 AC from Exhibit A-1 and it's dated November
22 8, 2019, was received and marked into
23 evidence.)

24 MR. MULLAN: Could I ask one
25 clarification on the floor plan because it may

1 come into discussion about the number of
2 parking spaces. Can you tell us or clarify for
3 us the number of customer seats proposed within
4 the building?

5 THE WITNESS: We have 24 seats.

6 MR. MULLAN: That may be part of the
7 formula on calculating the number of parking
8 spaces, if it comes up during the site plan
9 discussion.

10 MR. IRENE: Do you want to ask him about
11 the maximum fire occupancy while we are on that
12 subject, too?

13 MR. MULLAN: Very good point. Very good
14 point, yes.

15 A. The occupant load for the building,
16 based on the business use would be 14 occupants.

17 Q. In the sales area?

18 A. In the sales area.

19 MR. MULLAN: Fourteen occupants,
20 essentially, customers.

21 THE WITNESS: Yes.

22 MR. IRENE: Under the fire code.

23 A. Yes, under the occupancy load, which is
24 what the fire code bases the occupancy on.

25 MR. BRAY: Did that change the

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1 occupants's load from the first?

2 A. The seating has always been 24. I
3 think, on the report, it mentioned 22. It's 24
4 seats. The plan you mentioned also has 24 seats.

5 Q. The occupancy doesn't change?

6 A. No.

7 MR. BRAY: We were asking about the
8 occupancy.

9 MR. IRENE: The occupancy will be based
10 on the number of seats.

11 MR. MULLAN: We stand corrected. If the
12 graph shows 24 seats, we will use that.

13 A. It's mixed seating. We have a counter.
14 We have some sofas, some club chairs. We have
15 community tables, which millennials tend to like with
16 USB ports. We have a smorgasbord.

17 Q. Any exterior seats?

18 A. I don't know -- we have six.

19 Q. They would be in the front?

20 A. Yes. I will defer to the engineer to

21 locate that on the Site Plan. Any other questions on
22 the floor plan? We go to Exhibit A-3, Drawing A5 AC.
23 The top elevation reflects the front of the building
24 as you would see from Broadway. This does not change
25 from what you have. You will notice we have two

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1 signs. And, in the last year, Dunkin Donuts has
2 re-branded themselves. For 56 years, it was known as
3 Dunkin Donuts and now they dropped the Donuts from
4 the signage. We will still sell doughnuts, but
5 donuts is not part of the Company logo any longer.
6 It's just Dunkin. If we were here a year ago, we
7 would have proposed Dunkin Donuts, which you've all
8 seen for the last 50 years. So we took out Donuts.
9 We just have the word, Dunkin, and we would like to
10 have the DD, because it harkens back to the original
11 Dunkin Donuts way back when.

12 So we do have two signs on the front.
13 In the aggregate, we are still less than 10 percent
14 of the front elevation which meets your code.

15 Q. I think we have requested there is a
16 variance needed because there are two signs, as
17 opposed to a single sign?

18 A. Yes, two signs.
19 Q. That would be requested variance. Who
20 directs that requirement?
21 A. Well, this came from the franchisor.
22 Like I said, if we were here a year ago, it would
23 have been Dunkin and Donuts underneath it in pink.
24 But Donuts is taken off the Company logo. It's now
25 called Dunkin and they would like to have the DD,

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1 because it harkens back to the days of Dunkin Donuts.
2 MR. BRAY: Are they back-lit?
3 A. Internally illuminated. And then the
4 bottom of the sheet reflects the elevation of the
5 drive-through side, so this has changed. Your
6 drawing shows a window in the corner at the front
7 corner. We took that out. We just have one window.
8 The color scheme of the building is pretty much in
9 the grays and tans and a little bit of orange accent.
10 This would be a canopy over the drive-through window
11 to protect customers from the element during the
12 rainy day.
13 So that is the drive-through side. Any
14 questions on these -- on the front facing from
15 Broadway or the drive-through side? Any questions?

16 MR. HEGGIE: Is the sign on the side
17 illuminated, the, Fresh is Always Brewing?

18 THE WITNESS: No. That is not
19 internally illuminated. We will have some
20 gooseneck light fixtures that would illuminate
21 that, but the letters aren't illuminated.

22 MR. MULLAN: So there will be lights
23 attached to the side of the building?

24 THE WITNESS: Yes. Yes. There is three
25 light fixtures, sort of like gooseneck that

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1 would illuminate that.

2 MAYOR TUCCI: Where's the microphone
3 located?

4 THE WITNESS: The engineer will show you
5 that. It will be sort of back here in this
6 area.

7 MR. IRENE: Are the front-facing signs,
8 are they illuminated 24-7?

9 THE WITNESS: I guess they would be
10 illuminated during hours of operation during the
11 evening hours.

12 THE WITNESS: Yeah.

13 MR. MULLAN: Specifically, they would be
14 timed to turn off at 10 p.m. when the store
15 closes.

16 THE WITNESS: That is correct. Seven
17 o'clock to midnight it's on.

18 MR. MULLAN: Seven p.m. to midnight is
19 when the light would be scheduled to be on, but
20 at midnight, they would shut down.

21 THE WITNESS: Correct.

22 MR. IRENE: It's not hours of operation.
23 It's midnight.

24 MR. STEINBERG: Correct, only because
25 you want to keep -- you want to keep the site

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1 identified.

2 A. We have two switches. We start at
3 7 p.m. we shut down at 12 midnight. Starts at
4 4 a.m. and it turns off at 7 a.m. it's two switches
5 on the timer. So, this way, in the morning, you
6 could see.

7 AUDIENCE MEMBER: It's not. At 7,
8 though, it's dark.

9 Q. It would be dusk to midnight because
10 it's dark at 5:00 now.

11 A. This will be the final sheet. This
12 sheet remains exactly the same as your version.

13 MR. IRENE: This one is color-enhanced
14 and the other one isn't. This is A-4, which is
15 a color-enhanced version of sheet what?

16 THE WITNESS: A5 BC.

17 MR. IRENE: Of Exhibit A-1. That is
18 revised through when?

19 THE WITNESS: 11/8/19.

20 MR. IRENE: Thank you. A-4.

21 (Whereupon, Exhibit A-4 - Color-enhanced
22 version of Sheet A5 BC of Exhibit A-1, 11/8/19
23 was received and marked into evidence.)

24 THE WITNESS: We have it noted as such.

25 MR. MULLAN: Mr. Chairman, I hate to do

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1 this, can I ask one further question on the
2 prior exhibit? So is this the side of the
3 proposed building that is facing the front house
4 on the adjoining property to the east or the
5 left side of the site. So the only -- the
6 clarification, I guess, would be the sign that
7 is on the side of the building that is going to

8 be lit with these overhead, building-mounted
9 lights, there is four proposed decorative light
10 fixtures.

11 THE WITNESS: Three light fixtures above
12 it.

13 MR. MULLAN: Okay. Three light fixtures
14 above it designed to shine the light down on the
15 message.

16 THE WITNESS: Exactly, yeah. It's just
17 down lights to illuminate this area.

18 MR. MULLAN: I think you want an
19 orientation, like where on the building, when
20 you look at the Site Plan is that located and
21 how does it align with the adjacent
22 single-family residence.

23 MR. STEINBERG: Our engineer could tell
24 us that. I would think the engineer could tell
25 us tell us. Not the architect. We are prepared

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1 to answer that.

2 AUDIENCE MEMBER: We will remember.

3 MR. IRENE: There is nothing on the west
4 side of the building? No signage?

5 THE WITNESS: There is one sign DD

6 letters facing the parking lot side west side.

7 MR. BRAY: Is that internally lit as
8 well?

9 THE WITNESS: Yes. Yes. This is on the
10 same as the front just to add some interest on
11 the building. Otherwise, the building is sort
12 of mundane in respect to the grays and the tans,
13 so I thought I would add a little accent, so we
14 would need a variance for that DD.

15 MR. IRENE: Because of size or number of
16 signs?

17 THE WITNESS: I think number of signs.

18 MR. MULLAN: I would suggest go right to
19 our review letter. The maximum allowed and then
20 how it reads to what they are proposing.

21 MAYOR TUCCI: Actually, one of the two
22 signs on the front could go on the side, right?
23 They would need a variance for that.

24 MR. STEINBERG: No. We are permitted, I
25 believe, a sign on the side. We have two in the

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1 front is the variance, as I read it. We need
2 variances for both.

3 Q. What is the size of that sign?

4 A. The sign is 13.7 square feet.

5 MR. IRENE: Okay. I need some help. So
6 is it because of the size of the sign?

7 MR. STEINBERG: No. Number one, we are
8 only permitted one sign on the front.

9 MR. IRENE: Okay.

10 MR. STEINBERG: This is considered to be
11 two signs, Dunkin and DD on the front, so that
12 is the variance. Although, combined, they are
13 less than 10 percent. We also need a second
14 variance for the side of the building where the
15 DD is.

16 MR. IRENE: Why?

17 MR. STEINBERG: Because it says here,
18 the second facade sign of 13.7 square feet on
19 the right side or secondary entry side,
20 therefore, variance is required from the facade
21 sign on the side of the building.

22 MR. IRENE: What I am asking is, and
23 this is why I need help, you are limited to
24 total facade signs for the entire building. You
25 are limited to no more than one per side?

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1 MR. MULLAN: Here is what the Ordinance
2 sites: It says, the Ordinance allows business
3 in this zone to install one facade sign on the
4 front facade of the building. So they are not
5 entitled to a facade sign on every phase of the
6 building. One facade sign mounted on the front
7 of the building.

8 MR. IRENE: So then we need a variance
9 for?

10 MR. STEINBERG: Two in the front and one
11 on the side.

12 MR. IRENE: And one on the other side.

13 MR. HEGGIE: The west side has one as
14 well.

15 MR. SCALISE: America Runs on Dunkin,
16 that is considered a sign also?

17 MR. BRAY: Is that lettering or what is
18 is that?

19 THE WITNESS: It's lettering. It's not
20 in the Dunkin colors.

21 MR. IRENE: It is a sign.

22 MR. SCALISE: With the same down lights.

23 MR. IRENE: Four facade lines where you
24 are allowed only one on the front.

25 MR. MULLAN: Five. There is two on the

1 front and there is two on the right side and
2 there is one on the left side, if we consider
3 the lettering the message.

4 MR. IRENE: We have two on the front,
5 Mr. Architect?

6 THE WITNESS: Two signs.

7 MR. IRENE: One on the east and one on
8 the west?

9 THE WITNESS: Signage on the
10 drive-through side, on the east side, I guess.

11 MR. IRENE: How many signs?

12 A. One on the east side, two on the west
13 side facing the parking lot.

14 MR. SCALISE: One on the east and two on
15 the west.

16 MR. MULLAN: There is one allowed and
17 they are proposing five.

18 MR. IRENE: Thank you.

19 MR. BRAY: I want to clarify. So
20 lettering like that is considered a sign. I
21 want to make sure I understand.

22 THE WITNESS: Well, that could be

23 interpreted different ways. I mean, obviously.

24 MR. MULLAN: My response is my
25 interpretation is that the answer is yes.

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1 MR. BRAY: Okay. Great.

2 MR. SCALISE: Or more so because we are
3 lighting it. It could be debatable if you
4 weren't lighting it. It's letters and we are
5 lighting it. I'm going to say that is a sign.

6 MR. MULLAN: It is a message for
7 purposes and it is illuminated. I would suggest
8 it would constitute it.

9 MR. BRAY: That is good to know for
10 other applicants, too.

11 THE WITNESS: No signs on the back of
12 the building.

13 MR. STEINBERG: We understand your
14 point. We will talk about that with my client.
15 I just present the testimony, but I understand.

16 THE WITNESS: Any other questions?

17 MR. MULLAN: Could I ask for a response
18 about the mechanical equipment?

19 THE WITNESS: Yes.

20 MR. MULLAN: Can you describe what it

21 is? Where it is? Is it inside the building?

22 Is it contained in the mechanical rooms?

23 THE WITNESS: Two rooftop units on the
24 roof of the building. They will be screened by
25 parapet walls on all four sides, so you would

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1 not, from the street, you would not see the AC
2 units.

3 MR. MULLAN: Do we expect to hear them?

4 THE WITNESS: I would say no. My
5 experience, in doing these over the 26 years, is
6 the units are getting smaller and quieter, so I
7 would say, no, no noise spill.

8 MR. IRENE: What is the height of the
9 building?

10 THE WITNESS: Height of the building is
11 18 feet 3 inches to the parapet and the tower is
12 at 21 feet 10 inches.

13 MR. IRENE: Mr. Chairman, if I may,
14 because the applicant indicated earlier that the
15 new building was going to be smaller than the
16 existing building, could you give us the square
17 footage of the existing building and the square

18 footage of the proposed new building, please?

19 THE WITNESS: I can give you the square
20 footage of the new building.

21 MR. BRAY: 2,862 is the existing
22 building.

23 THE WITNESS: 2882 is the proposed
24 building. I'm sorry.

25 MR. BRAY: I am going off Mr. Mullan's

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1 letter, 2236 square feet.

2 THE WITNESS: That includes the walk-in
3 box. The building proper is 2,082 square feet.

4 Q. Plus the walk-in box?

5 A. Yes, that is right.

6 MR. MULLAN: I would suggest the
7 footprint for zoning, setback, principal
8 building, structures is.

9 MR. BRAY: Are we right in comparing the
10 2862 and the 2236?

11 MR. MULLAN: Yeah. I would say yes, the
12 answer is yes.

13 MR. STEINBERG: It comes down to about
14 600 square feet.

15 MR. IRENE: The total proposed with the

16 walk-in is what?

17 MR. STEINBERG: 2236.

18 MR. IRENE: Ant the total existing?

19 MR. STEINBERG: 2862.

20 MR. IRENE: Thank you.

21 MR. STEINBERG: It comes down to about

22 618 square feet.

23 MR. SCALISE: Can I ask a quick question

24 about the unit? What was going on this

25 originally with the AC units? Were they on the

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1 roof?

2 THE WITNESS: The existing units, yes,
3 they are on the roof.

4 MR. SCALISE: That is staying the same,
5 other than using the modern --

6 THE WITNESS: New units, yes. They are
7 quieter, smaller.

8 MR. ARIA: Any other questions?

9 Questions from the public?

10 MS. DOREMUS: Is there going to be an
11 exhaust fan, since you are cooking food now?

12 THE WITNESS: We're not cooking food.

13 MS. DOREMUS: Microwaving?
14 THE WITNESS: Yes.
15 MS. DOREMUS: Is there an exhaust fan in
16 the kitchen?
17 THE WITNESS: Exhaust fan on the roof,
18 but you will not detect any odors.
19 MS. DOREMUS: Noisy?
20 THE WITNESS: Very quiet.
21 MS. DOREMUS: How many are on the roof?
22 THE WITNESS: Two.
23 MS. DOREMU: Do you still need two,
24 because you are losing 600 square feet?
25 THE WITNESS: Yes, we like to have one

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1 for the sales area and one for the kitchen.
2 MS. DOREMUS: And what about the
3 condenser for the walk-in, because it looks like
4 the walk-in is separate outside. Are we going
5 to hear the condensers from the walk-in?
6 THE WITNESS: No, they are on the roof
7 of the building.
8 MS. DOREMU: It looks like they are
9 going to be blocked off because of the facade.
10 Right now, the HVAC on the roof is open, so is

11 this facade going to be covering the HVAC?

12 THE WITNESS: Yes, on all sides.

13 MR. MULLAN: Can I ask the dimension for
14 the parapet wall along the perimeter of the
15 roof, how high does the parapet extend up from
16 the roof?

17 THE WITNESS: About three-and-a-half
18 feet.

19 MR. MULLAN: So, the parapet will be
20 three-and-a-half feet above the roof surface.
21 And are you ensuring all of the mechanical units
22 will be lower than three-and-a-half feet?

23 THE WITNESS: They would be about that
24 height, but they will not be seen from the
25 street.

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1 Q. Or from the patron parking in the rear?

2 A. Or any of the parking lots surrounding
3 would not be visible.

4 MS. DOREMUS: It is going to be
5 uniform all around the building?

6 THE WITNESS: Yes. Right now, I think,
7 the back of the building is low. You could see

8 all of the roof stuff.

9 MS. DOREMUS: There is nothing covering
10 the back.

11 THE WITNESS: You could see all of the
12 roof stuff. Yeah, no, this is the back of the
13 building. It's 18 feet 3 inches, so it's a lot
14 higher than what's there now.

15 THE WITNESS: Right.

16 MR. SCALISE: If I may, just to note, if
17 I am not mistaken, the Doremus property, I
18 think, is higher than Dunkin Donuts's property
19 about a foot and change.

20 MS. DOREMUS: We have a second floor.

21 MR. SCALISE: No. No. Your grade. The
22 parking lot is at zero. Your back of your
23 property is at a foot-and-a-half or more.

24 MR. DOREMUS: Probably, yeah.

25 MR. SCALISE: I just wanted to note it

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1 is a little bit higher on your side.

2 MS. DOREMUS: Are the generators also
3 going to be in the back?

4 THE WITNESS: They will be in the back,
5 yes.

6 MS. DOREMUS: We will talk about the
7 buffer when we talk landscaping.
8 THE WITNESS: The engineer could address
9 you, show the location. It's not on the
10 building. The generator is not on the building.
11 MS. DOREMUS: Yeah, right. It's next to
12 it.
13 MR. ARIA: Any other questions? We
14 would call our Engineer, please?
15 MR. DIFOLCO: Richard DiFolco,
16 D-I-F-O-L-C-O, licensed Engineer and Planner
17 State of New Jersey.
18 Richard DiFolco, sworn.
19 DIRECT EXAMINATION BY MR. STEINBERG:
20 Q. Richard, just give us your credentials
21 and qualifications.
22 A. Sure.
23 Q. Both Planning and in Engineering.
24 A. Yes.
25 Q. Mr. DiFolco is only going to be the

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79

1 Engineer at this juncture of the case and we will do
2 the Planner later.

3 A. So, good evening. I am a licensed
4 Engineer since 1977, Planner since 1981. I've
5 testified before probably a hundred Boards, in
6 Monmouth and Ocean County, in that time span as
7 Principal of JKR Engineering. We specialize in
8 development applications before Boards, and Zoning
9 Boards, Planning Boards and we've done many Dunkin
10 Donuts and I've been before West Long Branch many
11 years ago, over 25 years ago.

12 Q. How about your Planning credentials?

13 A. Yeah, likewise, I've testified before --

14 Q. You are a licensed Planner in the State
15 of New Jersey?

16 A. Licensed Planner. Testified before the
17 same Boards as Planner, Zoning Boards, been before
18 Superior Court, in Freehold, as a Planner and that is
19 all I do is Planning and Engineering testimony and
20 site plans.

21 MR. IRENE: Are you offering Mr., I
22 thought you are offering Mr. DiFolco only as a
23 professional Engineer.

24 MR. STEINBERG: At this juncture of the
25 case, he is going to testify as engineering. We

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1 will get him back at the end of as the Planner.

2 MR. IRENE: Oh, okay.

3 MR. STEINBERG: So the Board can qualify
4 him as both at this point. I would offer him as
5 an expert in both fields.

6 MR. IRENE: Misunderstood. You are
7 licensed as a P.E. in New Jersey in 1977?

8 THE WITNESS: Yes, sir.

9 MR. IRENE: And Professional Planner
10 same year.

11 THE WITNESS: Eighty-one.

12 MR. IRENE: 1981. Thank you. Will the
13 Board accept Mr. DiFolco's credentials? Again,
14 he is being offered as a Professional Engineer
15 and Professional Planner. Thank you.

16 Q. Let's enter your original --

17 A. Before we start?

18 Q. Go ahead?

19 A. I have an exhibit. Let's mark, not as
20 complicated as the architect, I got one sheet.

21 MR. IRENE: Is it A-1? Mark the
22 original ones first.

23 MR. STEINBERG: A-5. A-5 be would the
24 original set of engineering plans.

25 MR. IRENE: Is that what we are up to?

1 MR. STEINBERG: That is what I have.

2 MR. IRENE: Yes, I think that is right.

3 A-5 site plans prepared by Richard DiFolco,

4 P.E., P.P., JKR Engineering and Planning

5 Services, LLC, nine sheets dated May 29th 2019,

6 revised through October 22, 2019, A-5. Before

7 we get to your color-enhanced sheet, Mr.

8 DiFolco, the Survey that was submitted with the

9 Site Plan upon which the Site Plan is based, I

10 assume, that was within the package also. So we

11 have a Survey prepared by Marc Cifone, PLS of

12 Lakeland Surveying dated March 19, 2018 revised

13 through January 17, 2019. A-6, please, Chris

14 Ann? Now you have a color-enhanced version of

15 sheet whatever.

16 MR. STEINBERG: Sheet 3 of 9 amended.

17 That will be A-7 revised 3 of 9. What is it

18 dated?

19 THE WITNESS: Dated today, 12th of

20 November. I also have handouts.

21 MR. IRENE: Just so I have it right,

22 check me on this, Mr. Steinberg, color-enhanced

23 and Sheet A3 of Exhibit A-5 dated November 12,
24 2019.

25 MR. STEINBERG: Correct.

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1 MR. IRENE: Thank you so much.

2 (Whereupon Exhibit A-5 - Site Plans
3 prepared by Richard DiFolco, P.E., P.P., JKR
4 Engineering and Planning Services, LLC, nine
5 sheets dated May 29th 2019, revised
6 through October 22, 2019, received and marked
7 into evidence.)

8 (Whereupon Exhibit A-6 - Survey
9 submitted with the Site Plan prepared by Marc
10 Cifone, PLS of Lakeland Surveying dated March
11 19, 2018, revised through January 17, 2019
12 received and marked into evidence.)

13 (Whereupon Exhibit A-7 - Color-enhanced
14 version of Sheet 3 of 9 amended 12th of November
15 was received and marked into evidence.)

16 MR. IRENE: Just so I have it right,
17 check me on this, Mr. Steinberg, color-enhanced
18 and Sheet A3 of Exhibit A-5 dated November 12,
19 2019.

20 Q. Walk us through the site.

21 A. So we've got the letter from T&M and we
22 looked at the big picture, and said, what are the
23 main issues of this letter and how can we address as
24 many items as we can knowing that we are an existing
25 commercial use in a commercial zone against a

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83

1 residential zone. Those type of developments are
2 always challenging where you have an established
3 business and an established neighborhood and where
4 they meet it's always a concern that the business
5 stay viable and the residents have their privacy and
6 their quiet. It's always a struggle along the common
7 boundary when you have commercial and residential.
8 We've done the best plan we think we can with the
9 situation that we have.

10 So based on the letter we got, the
11 significant changes are several things, I looked at
12 it from a point, where is the building placed? We
13 know there is a 35-foot setback in the zone, but we
14 looked at adjacent home to the east and the west,
15 drew a line where the front of those buildings were
16 and moved our building into the front setback line at
17 the average of the existing setbacks left and right

18 of us.

19 We felt that moving the building forward
20 doesn't really affect Broadway, because it is in line
21 with the buildings that are there. As you know,
22 further to the east, there is that large building on
23 the sidewalk one lot away from us. So the
24 neighborhood has variable setbacks as it is and we
25 will be needing a front setback variance.

↑

84

1 Q. What is the setback now?

2 A. Proposed is 31 feet.

3 Q. Right.

4 A. It's a 35-foot zone.

5 Q. We do create a front yard setback
6 variance of four feet?

7 A. I felt that was important for us to get
8 a setback off the back and put a solid row of
9 evergreen trees that are four foot on center that are
10 eight feet high, so they'll be an instant buffer from
11 end-to-end. Twenty-five or so trees against the
12 fence, a solid six-foot fence behind those. So those
13 trees will mature at 12 to 15 feet in height, they
14 won't grow to be giant wide. They are narrow trees
15 they will be five feet wide at the base when they

16 mature and they will be 12 to 15 feet high. That
17 will be built, one of the first things that gets
18 built is a tree buffer. That is an instant buffer
19 that would help a separation of the two uses.

20 I know the Ordinance calls for 25. I.
21 Think the Engineer's letter called for 10, but the
22 plant is the same plant whether it's a 10-foot buffer
23 or 25-foot buffer. A proposed plant that can grow
24 that height that can be compact and evergreen readily
25 available arrives in this location would be the

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85

1 arborvitae.

2 MR. MULLAN: Could I ask you to describe
3 the dimension the width of the strip between
4 the proposed concrete curb and the fence?

5 THE WITNESS: Yeah, so what is proposed
6 is a 6-foot separation between the concrete
7 curb and the property line. The fence would be
8 maybe 6 inches on the property side of the
9 property line, so we would have about a
10 5-and-a-half foot curb facing a fence
11 location.

12 MR. MULLAN: So the existing fence along

13 that property line is the Dunkin Donuts's fence
14 or the --

15 THE WITNESS: I don't know who owns the
16 fence, but the fence meanders. It's mostly on
17 the neighbors's property and then it's on the
18 line as you move to the east, but there is an
19 existing wood fence today, 6-foot wide fence.

20 Q. We are going to replace that fence?

21 A. Well, if it is our fence, we will
22 replace it. If it's not, we will put a fence next to
23 a fence.

24 Q. What type of materials?

25 MR. MULLAN: I think it is important for

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86

1 the Board's consideration that there may be a
2 fence in this location that is owned by the
3 residence adjoining the subject property and I
4 like the notion that they are proposing a fence
5 for the commercial side of this development.

6 MR. BRAY: I hear you.

7 MR. MULLAN: We have to contemplate if
8 there is going to be two fences, you know,
9 within a foot or two of each other and we are
10 going to create a space between those two

11 fences, normally, you want to not create that
12 scenario. You want to have a new fence replace
13 the old fence, but naturally, you have to
14 coordinate with whoever owns the existing
15 fence.

16 MR. MULLAN: The width of the planting
17 strip, there is a proposed concrete curb that
18 is going to be the forward facing limit of this
19 planting bed. Is there any -- looking at the
20 handout, it seems to me that we can consider
21 widening that in the area of the 14-foot
22 dimension when you have your bypass lane
23 striped. Is there any reason we can't expand
24 it there right up to the stripe and then on
25 either side of that bypass lane, can we get to

↑

87

1 10 or 12 feet and fill that certainly to the
2 east? It seems like we should be able to fill
3 that space with more landscaping enhancements.
4 It is a little bit of a non-used space.

5 THE WITNESS: I understand your concern.
6 My thought is that once these plants are
7 installed touching each other, not much else

8 you can do. Put it in front of it, it's
9 not going to be visible from the back.

10 MR. BRAY: Even if you made it a
11 landscape bed, like you have the green on the
12 bottom right. And what Mr. Mullan is saying,
13 on that east side, it seems like you could
14 bring some trees down on the left, yeah, right
15 there.

16 THE WITNESS: Right in here.

17 MR. BRAY: Down. Right along that.

18 MR. MULLAN: I would suggest, in that
19 whole white space between that outside white
20 strip of the bypass --

21 MR. BRAY: Some sort of landscaping in
22 there.

23 THE WITNESS: What I will suggest, we
24 will run for Mr. Mullan, he asked for a
25 truck-turning template. We will run the

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88

1 template through here and what was left over,
2 we can surely landscape it, but we left it
3 large just in case we needed for the truck.
4 This bypass lane is for a single-unit car,
5 obviously, and the truck may cross that line

6 when he makes the sweep. We are trying to make
7 sure that we don't --

8 Q. Right. There should be some area of
9 additional landscaping.

10 A. There should be room in this little
11 corner at this point.

12 MAYOR TUCCI: Did Shade Tree or
13 Environmental Commission review these plans,
14 Mr. Chairman?

15 MR. ARIA: Not that I know of.

16 MS. DEGENARO: Yes, they did, Mayor.
17 They didn't send any comments on them. They
18 had the old version, I should say, not the new
19 version which we received last week. I'm not
20 sure if this was part of the new plans, right,
21 they will get a copy of that. It's in their
22 inbox now.

23 MAYOR TUCCI: They did look at the
24 plans.

25 MS. DEGENARO no comments.

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1 A. With regard to that, if we add more
2 landscaping, as it is now, the existing lot coverage

3 impervious is 96.4 percent today paved building
4 sidewalks. The proposal before this change, we
5 dropped it from 96 percent to 87.8 percent. And with
6 this extra change, we are probably going to drop
7 another 4 percent or so. We will be like 10 percent
8 with less coverage than today, which is an
9 improvement from both the aesthetics and also from
10 producing less storm water runoff on the criteria
11 that would trigger any major project, major
12 development storm water requirements.

13 So we talked about the buffer. Now, we
14 talk about the dumpster. The plan that you have that
15 was marked - what number is it?

16 Q. This is A-7.

17 A. A-7. My plan was A-5?

18 MR. IRENE: Yes.

19 Q. The Survey was A-6?

20 A. On A-5, the dumpster is located in the
21 back left corner of the site proposed. Existing is
22 in the back right corner of the site. A-7 shows the
23 dumpster located within the center of the
24 drive-through aisle, like a 45-degree angle with the
25 gates facing angled which a truck can come in, pick

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1 up and back up and then leave.

2 So it's designed for ease of access for
3 the garbage truck. Now, we do show employee parking
4 in the area in front of the gates and twice a week,
5 when he had his pick ups, this will be coordinated
6 with a manager. We know that the garbage is coming
7 at 11:00, or whatever time they come, there will be
8 cones set up prior to that so that the employees, at
9 that time of the morning, these spaces will not be
10 full and they will park anywhere. These will be
11 open. They will pull to the side and the garbage
12 comes and five minutes later he is gone.

13 Q. That is only two parking spaces?

14 A. Or whatever it is. I'm saying, when the
15 truck comes, the employees can move out of the way.
16 There is plenty of spots to go to. That will be
17 coordinated with the manager. It is a private pickup
18 by contract. They need to call them and tell them
19 what time to come.

20 Q. You landscape that, too?

21 A. We also put landscaping around it. This
22 is a masonry wall on three sides with landscaping
23 against, as you could see with the colored-up
24 picture. We've also shown a generator location
25 adjacent to the building. Again, with the 6-high

1 masonry wall on the east side and to the rear and
 2 that generator is then screened from view and the
 3 masonry wall will help abate any noise that comes
 4 from it. There will be gates facing the west side
 5 for access. That was located similar location as the
 6 prior plan, but now we've made a wall around it.

7 MR. MULLAN: Could I ask, regarding the
 8 height of the generator itself, is any part of
 9 generator extend up higher than the 6-foot top
 10 of fence?

11 THE WITNESS: I don't believe so. I
 12 believe it's 5 feet to the generator.

13 Q. Now, we are only asking for approval of
 14 the generator site. Not the installation. Only
 15 because if we decide not to put a generator.

16 A. We will build a generator when you want
 17 to build it and not have to come back to the Board,
 18 if you want to build it in two years or three years.
 19 You want the right to build a generator, but not
 20 prior to any C.O. that you might get.

21 Q. We will have to note it on the plans as
 22 future site?

23 A. Approved site.
24 Q. Approved site?
25 A. I understand. Let me take you through

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92

1 the Site Plan, in general. So those are the changes
2 we've made. We moved the building forward. We added
3 a buffer of 6 feet. We've moved the dumpster and put
4 walls around the generator and the dumpster. We've
5 also upgraded the sign, the menu board sign and the
6 architect talked about a microphone. The attorney
7 talked about a microphone.

8 The original plan had a menu board with
9 the microphone built into it, which was set back, and
10 you kind of talking loudly to hear back and forth.
11 Now, the new generation, they've got within two feet
12 of your window is like talking face-to-face to
13 somebody. You are not shouting at this anymore. So
14 that cuts down on the noise. It does have a dial on
15 it which can be adjusted for the ambient noise. It
16 is located on the side of the property.

17 One question from the Board was, where
18 is it relative to the adjacent homes? I forget who
19 asked that question. It's in between the two homes.
20 It's roughly, at this point, in front of the rear

21 home by about 10 feet.

22 MR. IRENE: Some reason it couldn't be
23 moved a little further from Broadway and have
24 the wall of the generator behind it?

25 MR. STEINBERG: Yes, that is

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93

1 operational. They need X-amount.

2 THE WITNESS: I can explain that. What
3 Dunkin requires is that from the ordering
4 window in order to efficiently move people
5 through here, the fifth car back is the person
6 ordering the food and as they progress, they
7 have 150 seconds from the time they place the
8 order until the time they are out of the
9 window. That is the standard. They have a
10 clock that ticks away inside the building and
11 they know if they are not meeting their
12 standards, they get red flagged over at Dunkin
13 goes up. So 150 seconds to go from this point
14 to that point and they have to produce and get
15 out. If it was closer, they wouldn't be able
16 to do it.

17 MR. MULLAN: The only thing I would ask,

18 though, is, if you're going with only one
19 service pickup window and you indicated earlier
20 that you are going to eliminate the front
21 window, can we go back and consider leaving the
22 front window, have the five car spaces in the
23 queue and move that microphone up one vehicle
24 space?

25 MR. STEINBERG: The testimony of the

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94

1 architect was that it's designed for
2 efficiency.

3 THE WITNESS: I can explain that.
4 Operationally, the inside of the store, I don't
5 have the architect -- I can show you on the
6 architect plan.

7 MR. MULLAN: I think it is worthy of
8 this evaluation only because you had that window
9 into the floor plan originally.

10 THE WITNESS: It was sort of a backup
11 plan. The two windows is something relatively
12 new. They did it and then they said, let's go
13 back to one. It's constantly changing. Every
14 six months, it's a new design. Having this at
15 the end is like a dead end, everybody has got to

16 go. Not efficient. They have to be sort of
17 towards the middle, so they can get service from
18 the both sides and that is the way the inside of
19 the store works. There is a legitimate reason
20 it was done that way.

21 Our first comment, why don't we use the
22 end window? No, we can't do it because it's
23 operational. I had the same thought you had
24 that.

25 MR. IRENE: Is that the same with the

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95

1 Dunkin Donuts on Highway 36 in Long Branch?
2 There is only one window. Five cars from that
3 window to the menu board?

4 MR. STEINBERG: That's not yours?

5 THE WITNESS: No.

6 MR. IRENE: It's close.

7 MR. SCALISE: It is close. The window
8 is definitely towards the front.

9 MR. MULLAN: I think you are getting
10 some feedback that we are trying to put this
11 microphone basically equidistant between the two
12 houses, so that we can demonstrate that we did

13 everything possible to not have a negative
14 impact, should the volume of this microphone be
15 bothersome to the people in the home.

16 MR. BRAY: I am equally concerned about
17 the flow, about the flow of it, too.

18 MR. MULLAN: The vehicles?

19 MR. BRAY: The flow of the vehicles.

20 MR. ARIA: You are talking about moving
21 the microphone one car length forward?

22 MR. MULLAN: Essentially, that is all we
23 are talking about.

24 MR. ARIA: That is a big difference in
25 the amount of sound that you can hear at

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96

1 adjacent property 8 feet or 10 feet.

2 THE WITNESS: It's like two people
3 talking to each other. If I'm talking to him
4 and stand over here talking to him, you are
5 going to hear me or not hear me based on the
6 volume of our conversation. I don't think it's
7 significant if you moved it one car length in
8 either direction.

9 MR. MULLAN: I am not suggesting I can
10 tell you it will have a measurable significant

11 difference in the volume that each of the homes
12 would possible hear. I was looking at it from a
13 geometry perspective trying to get it equally
14 set apart from each of the homes as possible.

15 MR. BRAY: I think the fence material
16 and the comments that you had on that, I think
17 that definitely be important. And then, when
18 you get to the flow of traffic and that making
19 that as efficient as possible is one of my
20 concerns to make sure that doesn't back up. You
21 will hear about that, too.

22 MR. SCALISE: Just a question. So do we
23 know -- I know you guys are saying it's new
24 technology. It's two feet away. But to some of
25 the residents, like the residence towards the

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97

1 south, it's further away, right, the new
2 speaker, but is there a decibel level that was
3 identified? Do we know what that is?

4 THE WITNESS: I was told that it meets
5 the Code, 65 to the property line.

6 MR. SCALISE: Sixty-five to the property
7 line or are you saying it would be there.

8 THE WITNESS: No. I'm saying it would
9 meet the code of no more than 65 decibels at the
10 property line.

11 Q. What is the height of that?

12 A. The car window height.

13 Q. Car window height. The car would block
14 some of the sounds?

15 A. If the cars are in front of it, yes.

16 Q. Somebody would have to be stopped at the
17 microphone, window open, talking. Nobody is talking
18 without the cars there?

19 A. Correct.

20 MR. BRAY: You mentioned the volume is
21 going to be different during the earlier hour.

22 THE WITNESS: Early morning until when
23 traffic, on Broadway, picks up from 7:00. From
24 6 to 7, it would be on the low or night
25 setting. And after probably 6:00 at night, it

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98

1 will be on the low setting again. So only
2 during the time where Broadway is noise where
3 it would be at its highest setting just to kill
4 the ambient noise.

5 A. Let me take you through the Site Plan.

6 We didn't talk too much about the layout of the
7 building, the Site Plan and all of that. It is a
8 one-way in and one-way out that is proposed. Right
9 now, it's kind of a haphazard, wide open apron
10 driveway with no real direction or channelization at
11 all.

12 Monmouth County Engineer has met with us
13 down at the office in Freehold. We submitted a plan,
14 came back with comments. We resubmitted. They are
15 pretty much happy with the design. Right now, they
16 are asking about questions about utilities and things
17 like that.

18 Separated the driveway locations from
19 the property lines to meet their criteria. So
20 one-way in, 18-foot aisle around the building. The
21 dedicated pickup aisle of 9-and-a-half feet wide and
22 the bypass lane of 12 feet. There was talk of
23 landscaping or giving up something in this parking
24 aisle, building two aisles giving up something in
25 this left-to-right dimension, put landscaping against

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99

1 the fence.

2 The only thing I think we could do here,

3 I believe that the parking has about a foot of extra
4 depth in here that we could play with. We could
5 shift everything a foot to the right. We could cut
6 the bypass lane down to 11, which will give you a
7 two-foot planting strip for a very narrow --

8 MR. BRAY: That would cause me more
9 concern. I am concerned about that right-hand
10 side and the way cars that are going into the
11 place and parking versus going through the
12 drive-through and if you come this way, that
13 exacerbates that problem.

14 MAYOR TUCCI: Say if there is a backup
15 of cars going through the drive-in, are you
16 able to get out of these parking spaces?

17 THE WITNESS: Say again? I'm sorry.

18 MAYOR TUCCI: All right. Let's say,
19 Parking Spaces 3 through 8, say your cars are
20 waiting in line to go through the drive-in, if
21 you want to back out, you've gone in and walked
22 in, you want to back out, are they going to be
23 blocking you?

24 THE WITNESS: No. The traffic, as we
25 will also testify as to how many we expect in

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1 the queue. We have room for eight to this
2 point. We don't expect there to be eight cars
3 on the street. This is not like Highway 36.
4 Broadway doesn't have as much. They have the
5 traffic light to break up the traffic as well
6 to control the flow. We have room for like
7 9 or 10 more cars.

8 MR. BRAY: Do you take that striping --
9 so, I see you have that white stripe that
10 separates the bypass lane and the drive-thru
11 lane.

12 THE WITNESS: Yes.

13 MR. BRAY: You have it ending there. Is
14 there any thought to come down a little more to
15 show to train the traffic to stay over to the
16 left more?

17 THE WITNESS: Yeah, that can extend down
18 to this actual visual. We expect the first six
19 or seven spots to be mostly used and these
20 other spots only during very high-volume
21 period. Most people will actually use the
22 drive-through once it is built.

23 MR. MULLAN: One of the earlier
24 questions just a moment ago, the last car in
25 the queue line that basically lines up with

1 parking stalls, like Number 12, I think we have
2 to be practical that the vehicle in Parking
3 Space Number 12 is not going to be able to back
4 out when that vehicle is located there.

5 MR. BRAY: Right.

6 MR. MULLAN: You need 18 feet of clear
7 aisle space to back out of that angled parking
8 stall. So if more than eight vehicles continue
9 to queue along the curb on the side of the
10 building, they will impede, you know, access in
11 and out of those angled parking stalls as a
12 practical matter.

13 MR. BRAY: Right.

14 MAYOR TUCCI: When you are exiting, is
15 that enough room for two cars to exit or only
16 one onto Broadway?

17 THE WITNESS: One car at a time.

18 MAYOR TUCCI: So if someone wants to
19 make a left-hand turn.

20 THE WITNESS: You have to wait.

21 MAYOR TUCCI: Everybody has to wait for
22 both lanes.

23 MR. IRENE: What does that do with your
24 service time for people coming through with
25 your red light flashing that, Dunkin Donuts?

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1 THE WITNESS: The traffic engineer will
2 get into better detail with that.

3 MR. MULLAN: One of the basic questions
4 is going to be for the traffic engineer will
5 be, is it feasible to create an exit driveway
6 that allows a left-turning vehicle to stand and
7 wait for the gaps in the traffic and create a
8 right-turn lane, so that two cars can exit, you
9 know, side-by-side? That is going to be one
10 of the basic questions we are going to raise.

11 MR. STEINBERG: You will have to hear
12 that from the traffic expert. I think he is
13 more qualified.

14 A. I am going to go back real quick to the
15 site. They met with the neighbor on Lot 7 to our
16 east. Right now, he has problems with people using
17 his property as an exit from Dunkin, people driving
18 over the bumper blocks that are there. I'm sorry.
19 To the west. To the right, correct. What he has
20 requested and we've agreed to subject to the Board's

21 approval is to take away these concrete bumper blocks
22 and put every five foot on center a bollard, steel
23 bollard with a sleeve over the top, decorative sleeve
24 right along the side of that paved area, so that we
25 don't allow any cars to hop over the bumper blocks

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1 like they do today. If you actually go out there and
2 look, he rented some plastic highway barricades and
3 he is going to stretch them out across you because he
4 is not happy what's going on there. So we would like
5 to eliminate the bumpers and put in bollards along
6 the property.

7 MR. BRAY: The look on the bollards, I
8 understand they serve a point, but is there
9 another alternative?

10 MR. MULLAN: I would ask, did you
11 consider just extending the traditional
12 concrete curb from the driveway entrance? I
13 see the note that it says, end of curb, right?
14 Parking Stall Number 1.

15 THE WITNESS: We asked for curb. He
16 said they will go right over the curb.

17 MR. ARIA: They are going right over the

18 parking stops.

19 THE WITNESS: We talked about a fence
20 and he said they would bump into the fence. We
21 went through the options.

22 MR. BRAY: I don't like the bollards at
23 all.

24 MR. SCALISE: They are not going to go
25 through a fence. At that point, what kind of a

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1 vehicle are we talking about? I think we got
2 another issue on our hands.

3 MR. BRAY: I personally don't like your
4 bollards.

5 MR. STEINBERG: It was just felt that a
6 fence would close the site. The bollards would
7 open for a little more light.

8 MR. IRENE: The Board is saying you
9 might not need either.

10 MR. SCALISE: Like a decorative fence.

11 MR. BRAY: It doesn't need to be 6 foot
12 either.

13 MR. SCALISE: Right. I am just drawing
14 this out there for an example, you know, the
15 heavy timber fence.

16 MR. BRAY: The split rail.

17 MR. BRAY: You are saying split rail
18 fence.

19 MR. SCALISE: Let's say, I don't know if
20 they are 8 or 10 feet wide, there is two posts
21 and then they put in, I forget what that is
22 called.

23 MS. O'NEILL: Split rail.

24 MR. MULLAN: I would suggest, if you put
25 the traditional 6-foot high concrete curb with

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1 this split rail or a post-and-rail fence behind
2 it a foot or two. It's hard to envision a
3 vehicle --

4 MR. BRAY: Going through it.

5 Q. Two things, if you will, one, that is a
6 graveled area that we want access to. Is that for
7 drainage?

8 A. Gravel which would be fine. You can put
9 a fence post.

10 Q. Not a fence post. He is talking about a
11 full curb.

12 MR. MULLAN: Drop the curb to allow

13 water to leave the gutter, you know, every
14 fourth parking stall you can perhaps drop the
15 curb. I think the fence could get beat up
16 by vehicles, bumpers, pick-up trucks, et
17 cetera, if you don't have a curb keeping 99
18 percent of the vehicles on the paved parking
19 lot side.

20 MR. SCALISE: By the way, your fence on
21 the east side definitely gets beat up. I know
22 that for a fact. I respect that. People must
23 like, you know, it's been there a while. I can
24 understand that.

25 MR. STEINBERG: Maybe we are better off

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1 with a lower guardrail-type fence.

2 MR. SHAH: The problem is, what I see,
3 it is a fact that people go around the
4 property. My problem is, they want me to put a
5 concrete bumper. When it snows, people run
6 over it, break it and go over it and then this
7 is a problem for next-door.

8 MR. BRAY: We are saying we want a
9 fence. You wouldn't be able to do that.

10 MR. SHAH: I think today we talk to

11 the next-door neighbor. If you put something,
12 and I have the same issue in my other property,
13 same thing, if we put the bollard and it would
14 work perfectly fine, people can drive and stop.

15 MAYOR TUCCI: We don't like that.

16 MR. BRAY: We don't like the look.
17 You've really improved the site. These other
18 site improvements you've made are considerable.

19 MR. STEINBERG: Some sort of a fence
20 that would be satisfactory to the Board and to
21 the neighbor.

22 MR. MULLAN: If you look on the other
23 side of the property, they are proposing a
24 6-foot concrete curb with the river gravel
25 behind the curb in the area that they are

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1 proposing a 6-foot high fence. All within like
2 12 or 18 inches. So I think the combination of
3 the post-and-rail fence is not going to be this
4 solid 6-foot high fence, because that would be
5 a stark element between these two properties,
6 but I think the post-and-rail fence and the
7 band of river stone behind the 6-foot high

8 traditional concrete curb is very applicable in
9 this scenario.

10 MR. SCALISE: It will look a lot
11 prettier than the bollards, for sure.

12 MR. STEINBERG: I like bollards.
13 Whatever.

14 MR. HEGGIE: Probably less expensive,
15 too, than the bollards.

16 MR. STEINBERG: I think the maintenance
17 of the fence is costly. Whatever. We will do
18 it.

19 MR. ARIA: There is no decorative-type
20 of a bollard? Something stronger like a
21 bollard, but decorative?

22 MR. SCALISE: There is a lot of
23 different sleeves, but I don't know.

24 MR. BRAY: Aesthetically, there is the
25 stand-alone bollards.

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1 THE WITNESS: A few bollards. You can
2 have every --

3 MR. STEINBERG: He is happy that we have
4 something that will block cars from going onto
5 his property. And, of course, a post-and-rail

6 fence, anyone can go through it. The problem
7 is today, it's all open.

8 THE WITNESS: It's all open today. With
9 regards to the drainage on the property, this
10 site does flow from the rear to the top and it
11 sheet flows over the sidewalk into the street.

12 We are attempting to direct the flow
13 into this bed of river gravel by having the
14 flow that today runs to a common swale along
15 the easterly side to hit that river gravel,
16 allow some infiltration, whatever we can get
17 out of it, but the discharge, again, at the
18 south side of the sidewalk just before
19 Broadway. The flow will still leave the site
20 in the same location, be slightly less because
21 we have more green than the existing condition.

22 We have a proposal for the roof drainage
23 to be piped and discharged into the landscaped
24 areas with emitters, which are like a little
25 valves that flows with gravity as it fills up it

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1 drips out onto the grass.

2 Right now, it just discharges to the

3 surface and runs down the driveway across the
4 sidewalk and into the street. It is a smaller
5 building than is existing today. So it will be
6 less roof drainage than it is today. And I
7 believe that discharge into the landscaped areas
8 will allow some infiltration which will reduce
9 the amount of runoff that actually hits the
10 sidewalk. There is a comment in the engineer's
11 letter it could lead to an icing situation and I
12 would state there is a less icing situation than
13 there is today.

14 Less runoff, infiltration, so it will be
15 better than it is now. I think that is the only
16 way to do it. There is no drainage on Broadway.
17 Down by traffic light, there is a catch basin
18 that is uphill from us and there is one down at
19 the next corner about four or five hundred feet
20 away. Nothing in the area. Across the street
21 is a big pipe under the curb, but the County
22 engineer has basically reviewed this. County
23 engineer has not commented on the fact that we
24 have less drainage as a problem. We tried to
25 minimize the impact and in all cases.



1 of this site to prevent erroneous cars from backing
2 into the store. I think we need those. We can't
3 give those up.

4 With regards to the lighting, we are
5 proposing LED lights which are dimmable and aimable.
6 In the review letters, there is comment there are
7 few, I think it is back in this corner, footcandle is
8 slightly above point five. That can be tweaked and
9 we could either lower the pole, angle the light or
10 put a smaller fixture to make sure that we don't
11 exceed point five anywhere off the site. We can do
12 that.

13 Q. They are on timers also?

14 A. Yeah, they will be on timers. It's no
15 sense to light this place up after no one is here.
16 The store is open until 10.

17 Q. Yeah.

18 A. Clean up. You probably won't leave
19 until 11. You are cleaning up. By 11, you should
20 have security lighting only, whether it's motion
21 detector, but not parking lot lights. You are going
22 to close your sign down, your sign will be down.

23 Q. Nine to 12?

24 A. With regards to the front deliveries, I
25 believe that's enough room. That is 16 feet wide and

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1 there is a big backup spot, so that small truck can
2 easily pull in the front. Whether it's that
3 direction or Parking Space 1 or 2, either way, it's
4 not going to be back by the residential. The
5 building will shield it from the home to the east. I
6 think that is a good solution to the Dunkin Donuts
7 delivery at two in the morning.

8 MR. BRAY: Can you take us through a
9 garbage truck coming in and pulling out, the
10 flow of the garbage truck?

11 THE WITNESS: The flow of the garbage
12 truck, again, would enter during off-peak hours
13 12 o'clock, hit the recycling bin or the trash
14 bin. There is two indicated with the forks.
15 He can come up, lift it and exit on the bypass
16 lane in one movement. He can basically be out
17 of here. Again, coordinate the employee
18 parking with the trash pickup time. Similarly,
19 when weekly delivery comes of supplies for the
20 week, the milk, the eggs, napkins all of that,

21 that truck, again, during off-peak hours, that
22 truck can just basically occupy the back of
23 this corner of an empty parking lot. At that
24 time of the day, they will be on the site about
25 20 to 30 minutes unloading and then will go

↑

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1 gone for a week.

2 MAYOR TUCCI: Can that truck negotiate
3 the turn?

4 THE WITNESS: Yes, it can.

5 MR. ARIA: The parking truck can pull
6 into the space at 10, 1 or 12 and back up?

7 THE WITNESS: The parking truck?

8 MR. BRAY: Front load.

9 THE WITNESS: Yes, pull right into the
10 dumpster and then back into the aisle.

11 MAYOR TUCCI: It's not going to back up
12 like it does now. It's he going to go around.

13 THE WITNESS: He will back up to go into
14 the dumpster.

15 MAYOR TUCCI: Not backing all the way
16 out.

17 THE WITNESS: No, won't back all the

18 way out, no.

19 MR. STEINBERG: It will come 10 a.m. He
20 will not make all of that beeping noise.

21 THE WITNESS: He will leave the site
22 forward.

23 MAYOR TUCCI: And the supply truck
24 is going to be able to negotiate that turn?
25 That is a big truck.

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1 MR. STEINBERG: Big truck, but it is a
2 big radius.

3 THE WITNESS: Big truck, but it is a big
4 radius. You need 80 feet outside radius. You
5 basically have 96 feet of pavement to play with
6 here. No cars will be here when he comes.

7 MAYOR TUCCI: You can't park there.

8 THE WITNESS: It will be mostly empty at
9 that time of the day.

10 MR. STEINBERG: They come after 10.
11 Between 10 and 2, also Thursday only. It's
12 only one day a week. Major deliveries one day
13 a week on a Thursday. That's what you get now.
14 Somewhere between 10 and 2 tops, which is not
15 as big. That is controllable time-wise.

16 MR. IRENE: Is the aisle width
17 sufficient for a truck?

18 THE WITNESS: Aisle width, yeah, 18
19 feet.

20 MR. IRENE: Fire marshal, did I
21 misunderstand his letter, fire apparatus access
22 roads, I don't what that is.. unobstructed
23 width of not less than 20 feet. You may not
24 have received the letter. I think it just came
25 out.

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1 THE WITNESS: I didn't see that. If
2 there is a fire in the building, number one, he
3 is not going to pull next to the building.
4 Number 2, he can also pull in the exit and
5 that is 21 feet wide.

6 MR. IRENE: It's up to the Board.
7 Somebody should look at that, because I don't
8 know if the Board is going to approve the Site
9 Plan.

10 MR. BRAY: The condition, definitely the
11 fire marshal has to approve the plans.

12 MAYOR TUCCI: Did you see the new plans?

13 MR. BRAY: No. That didn't change the
14 radius. But I agree, he has it in his
15 statement, whatever that means, in compliance
16 or not.

17 MR. IRENE: It says he has reviewed the
18 Zoning Board application package. He meant the
19 Planning Board.

20 MS. DEGENARO: I know.

21 MR. BRAY: I think it a condition the
22 fire marshal would have to approve the plans.

23 MS. O'NEILL: Say 10 on there.

24 MR. IRENE: So it will be up to the
25 Board, if we conclude and you get to the point,

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1 obviously, if it's denied, it doesn't matter,
2 if it's approved and you make that condition,
3 the fire marshal is going to send it back. If
4 he is not going to approve it, it's going to
5 come back.

6 THE WITNESS: What we can do is relocate
7 the bollards, put them at the building. It
8 does still protect the building and put a
9 mountable curb, so he can actually drive and
10 make it 20 feet of drivable area. Drive on the

11 sidewalk, drive on the pavement. We will have
12 20 feet of cart way. Move the bollards closer
13 to the building, so that it protects the
14 occupants of the building and affords the fire
15 marshal 20 feet plus to do his maneuvering on
16 the ground. That is the best option.

17 MR. BRAY: Yeah, we're not going to
18 waive any of what his recommendations are.

19 THE WITNESS: We can accomplish that by
20 relocating the bollards.

21 MR. IRENE: What about the canopies?

22 THE WITNESS: What about the what?

23 MR. IRENE: Canopy.

24 MR. BRAY: Whether you are still able to
25 maintain that 20 feet, you are saying from the

↑

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1 canopy to that line?

2 MR. ARIA: Shorten the canopy.

3 MR. IRENE: Or limit it.

4 THE WITNESS: I think he is 20 feet of
5 drivable area because he has the outriggers and
6 I'm sure he has room for that. That's where
7 the 20 feet comes in.

8 MR. ARIA: Well, how high is the canopy?

9 THE WITNESS: The canopy is, I'm not an
10 architect, nine feet.

11 MR. TRULIO: Ten feet. It losses its
12 effectiveness it's to protect the customers on
13 a rainy day.

14 MR. BRAY: We are saying we need to have
15 at least 20 feet, right, subject to the fire
16 marshal approving is what we are saying. From
17 the front of that canopy to the end of that
18 parking spot. I can't tell.. I don't know what
19 that reading is. The canopy doesn't go to that
20 curb line, so it is a little bit off.

21 MR. ARIA: I think you are going to have
22 to make the building smaller.

23 MR. BRAY: We are talking about that
24 front. Fran, you were showing them.

25 MR. MULLAN: The front right corner, you

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1 probably have 20.

2 MR. BRAY: That is what I am talking
3 about. It's probably pretty close to 20 feet.

4 MS. O'NEILL: Eighteen.

5 MR. BRAY: No. Eighteen to the curb

6 line. The fire marshal needs to approve it.

7 MR. MULLAN: I would suggest that we ask
8 the applicant to commit to the Board that you
9 will provide a clear width of 20 feet minimum
10 and you will modify the depth of the canopy by a
11 half a foot or whatever is warranted.

12 MR. BRAY: If needed.

13 MR. MULLAN: Design the canopy
14 dimensions.

15 THE WITNESS: Stipulate we will get the
16 fire marshal's approval, whatever it is.

17 MR. BRAY: That is what he is there for.

18 THE WITNESS: Raise the canopy so you
19 can drive under it. It may not be 20 feet up to
20 the universe. It may be 20 feet for a vehicle.
21 Raise the canopy to make him happy. As long as
22 he can drive passed the building.
23 Landscaping-wise, we are adding this rear
24 buffer, planting around the generator and the
25 dumpster and we have low-level planting in the

↑

1 front not to block any sight distance, shrubs,
2 nothing really height. Mr. Mullan said curb

3 from end-to-end.

4 MR. MULLAN: Could I ask you to just
5 point out where the east face of the proposed
6 building where the proposed wall-mounted
7 fixtures are going to be to illuminate the
8 message on the side of the building facing the
9 home to the east?

10 THE WITNESS: Yeah, I believe the
11 bump-out that is shown on the plan just this
12 dimension 75 feet from the street. It's written
13 on the side of the building. Those lights are
14 calculated on the lighting plan as well. They
15 don't spill across the property line. We got
16 zero footcandles behind the fence. When you
17 have a solid fence that is 6 feet high and a
18 down light, the light is cut by the fence. If
19 there was no fence, you would have spillage of
20 low levels. The fence is 6 feet high and I
21 think these gooseneck are probably, what are
22 they, 12 feet at the bottom the bulb itself?
23 About 12 feet.

24 In a 6-foot fence that is 24 feet away.
25 If you do the math, that light will hit the

↑

1 fence and not spill down. Again, these are LED
2 lights. The beam is much more focused.

3 MR. BRAY: Is that fence existing? This
4 is new fence proposed by the applicant to
5 terminate at the setback line of the street.

6 MR. BRAY: Can we talk about the fence?

7 THE WITNESS: Fence materials? We show
8 vinyl. We will talk about wood. Wood would be
9 a better sound deafening. It's more dense. It
10 will match with a paint or stain. We have no
11 objection to a fence, whether it's a solid
12 fence, board-on-board, like a shadowbox, I don't
13 think you would want. You want a solid fence
14 here.

15 MAYOR TUCCI: We don't want vinyl.

16 MR. BRAY: You are saying you can stain
17 to match.

18 THE WITNESS: The gray tone or the base,
19 whatever the scheme.

20 MR. TRULIO: The building has mostly
21 gray.

22 MR. MULLAN: I would ask if the
23 applicant is willing to extend the proposed
24 fence to line up with the front corner of either
25 the proposed Dunkin Donuts and or the adjoining

1 residence.

2 THE WITNESS: Yeah, we would do that.

3 We would pull the building forward. We would
4 pull the building forward and match the forward
5 with the fence, so it would be at the front of
6 both structures. All utilities are already at
7 the site. Proposed to reuse the existing with
8 the exception that the overhang wires will be
9 buried on the ground. Today, from the pole,
10 there is power and cable, whatever phone, into
11 the building. That will be pushed into the
12 ground, so you will have no visible wires from
13 the street to the building.

14 MR. MULLAN: In that area of the site, I
15 would also ask for your -- this is not something
16 I cited in our letter, but there is an existing
17 freestanding sign in the front left corner of
18 the property.

19 THE WITNESS: Yes.

20 MR. MULLAN: Along the property line.

21 Can you describe the improvement to that sign,
22 the proposed improvement to that sign?

23 THE WITNESS: Yes. That will be
24 refaced. The sign itself will remain. The
25 foundation, the upright and the frame will

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1 remain, but it will have the word Dunkin and
2 Drive-Through written in the sign face area.
3 Not Dunkin Donuts.

4 MR. STEINBERG: Is that the only place
5 you have drive-through?

6 MR. SHAH: The sign.

7 THE WITNESS: On Page 8 of 9 is the
8 detail. It's, Dunkin, and Drive-Through.

9 MR. HEGGIE: What is the height of that
10 sign?

11 THE WITNESS: That sign from the ground
12 to the bottom is 14.2 feet. The sign face
13 itself existing is 12 by 6 foot 10. It's
14 two-faced east and west and internally
15 illuminated.

16 MR. MULLAN: We have to site this as an
17 existing non-conformity.

18 MR. IRENE: Does it meet the setback?

19 MR. MULLAN: It has a maximum of 30
20 square feet on either of the one side, so the

21 maximum surface of the sign can be up to 30 feet
22 maximum. Thirty square feet. And the maximum
23 height of the sign is 12 feet.

24 MR. IRENE: So what is this again?

25 THE WITNESS: To the bottom of the sign

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1 is 14.2 feet and then the sign itself is 6 foot
2 10 high, so that makes the top of the sign about
3 21 feet to the top and it's 12 feet wide left to
4 right.

5 MR. ARIA: Total square footage?

6 THE WITNESS: Maybe 80, 82 feet.

7 MR. IRENE: It exceeds the square
8 footage. It exceeds the height and is there a
9 setback requirement?

10 MR. MULLAN: Yes. It's a minimum 20
11 feet from the street line, the right-of-way line
12 for a residential zone.

13 MR. BRAY: I'm sorry. How does this
14 compare to the current sign size-wise? I lost
15 that.

16 MR. IRENE: So we were told we were 21
17 feet high where the maximum height is 12 feet

18 and it's also not --

19 THE WITNESS: The total is 20 feet from
20 driveway line. Not the sign.

21 MR. BRAY: The current sign that is
22 there now.

23 MR. STEINBERG: That is it. We didn't
24 plan on changing the structure of the sign just
25 the face.

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1 THE WITNESS: Just the vinyl, whatever
2 the plastic part is.

3 MR. BRAY: That makes me feel better.
4 What is there right now in the community is what
5 it is.

6 MR. STEINBERG: Right.

7 MR. BRAY: You are making it look nicer,
8 is what you are saying. Perfect. New style.

9 THE WITNESS: New word, Dunkin.

10 MR. MULLAN: We might consider that
11 existing non-conformity to remain unchanged,
12 although they are replacing the sign materials
13 with new.

14 MR. IRENE: Unless the Board says to
15 move it. It's up to the Board. Is there any

16 reason it wasn't put on the corner adjacent to
17 the commercial property where you had that big
18 landscape aisle?

19 MR. STEINBERG: It's there. It's been
20 there.

21 MR. IRENE: You are tearing everything
22 down. Is there any reason it wasn't put in the
23 landscape aisle adjacent to the commercial
24 property?

25 MR. STEINBERG: It was left where it

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1 was.

2 MR. IRENE: It will be up to the Board
3 whether that is a sufficient reason or not.

4 MR. STEINBERG: It is the only sign that
5 says, Drive-Through.

6 MAYOR TUCCI: Can we talk about the
7 exiting traffic?

8 MR. STEINBERG: We have a traffic
9 engineer.

10 THE WITNESS: I think I am done with my
11 testimony.

12 MS. DOREMUS: Can I ask two questions?

13 MR. ARIA: Question for the witness?

14 MS. DOREMUS: Yes, please. The back
15 fence is ours. Does the speaker have to conform
16 to the Noise Ordinance or is that a completely
17 separate issue? Because the Noise Ordinance
18 begins at 6.

19 MR. IRENE: Only if it goes over the
20 limit.

21 MS. DOREMUS: Right. It is going to go
22 over the decibels.

23 MR. STEINBERG: We said we would comply
24 with the Noise Ordinance.

25 MR. IRENE: Who wants to ask the

↑

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1 questions now? You will both have an
2 opportunity.

3 MS. DOREMUS: Does the speaker have to
4 conform to the Noise Ordinance? My
5 understanding it's 6 a.m. It can't start at
6 4 a.m..

7 MR. STEINBERG: We have a control that
8 will adjust. We do have to comply with the
9 Ordinance is the answer, yes.

10 MS. DOREMUS: That was my question.

11 Thank you.

12 MR. IRENE: Ma'am, do you have questions
13 also?

14 SPEAKER: I have more for the traffic.

15 MR. ARIA: It is already 5 after 10. I
16 am thinking we're not going to get done with the
17 traffic witness very quickly. How long do you
18 think you need?

19 MR. REA: Five minutes.

20 MR. IRENE: The other issue for the
21 Board and entirely up to you and if you conclude
22 tonight, and I don't know if you will or not, if
23 you conclude tonight, is it the kind of thing
24 you want to see some of these various things on
25 the plan as opposed to me trying to, if you

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1 approve it, put them in words and then have it
2 into the plan after the fact? It's up to you.
3 If the answer to that question is, we want to
4 see that on the plan, that makes no sense, I
5 would suggest, it's up to you, to start another
6 witness.

7 MR. ARIA: I don't think there is any

8 way the witness is going to be done in five
9 minutes.

10 MAYOR TUCCI: The public wants to speak,
11 too.

12 MR. HEGGIE: I want to see a plan,
13 personally.

14 MR. ARIA: I think we have to carry
15 this. What does our Agenda look next month?

16 MS. DEGENARO: We are pretty clear.

17 MR. STEINBERG: What is that date?

18 MR. BRAY: One comment.

19 MR. ARIA: We should probably take a few
20 minutes and give you a direction.

21 MS. DEGENARO: 12-10.

22 MR. STEINBERG: We need to get in
23 revised plans by 10 days before.

24 MR. BRAY: I think we should talk about
25 the five signs to give them some feedback on the

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1 five signs on the building whatever he feels
2 about that. That is all.

3 MR. ARIA: Who wants to start talking
4 about that?

5 MR. BRAY: I think, too, additional

6 lighting with the lighting poles I have an issue
7 with. That would be three then, if you have two
8 on the front, which would be considered one,
9 which is technically two and one on the side.

10 MR. SCALISE: I think I am in line with
11 that what you are saying.

12 MR. HEGGIE: I agree with that. My
13 concern is the existing freestanding sign. Does
14 it have to be so high and does it have to be so
15 big and could it be put in landscaping? That is
16 what I feel.

17 MR. ARIA: It's far in excess of what's
18 permitted.

19 MR. BRAY: It could be relocated.

20 MR. HEGGIE: We could still see it from
21 the street.

22 MR. STEINBERG: We were talking.

23 MR. IRENE: Too many signs.

24 MR. STEINBERG: We know that.

25 MR. BRAY: In general, check with

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1 everybody, but the three lit ones would be
2 acceptable and the other writing ones would not.

3 MR. TRUILO: America Runs on Dunkin, we
4 will nix that, if that is the Board's pleasure.
5 That is on the west side. And then the east
6 side, Something is Always Brewing, we will nix
7 that. We will get rid of those. I would say we
8 really need to have in front these two signs.
9 They compliment each other.

10 MR. BRAY: We are agreeable to that.

11 MR. TRULIO: DD on the side.

12 MR. BRAY: The other feedback was with
13 regards to the existing sign, the freestanding
14 sign. It's significantly non-conforming right
15 now and whether it should be located more to
16 that commercial side corner in a different size.

17 MR. IRENE: You are also going to
18 explore any landscaping to that southeast corner
19 or landscaping, right, consistent with Mr.
20 Mullan's comments.

21 MR. ARIA: I have a question about
22 parking when you are ready.

23 MR. IRENE: You also are going to have
24 an opportunity to sit down with the fire marshal
25 now. Fire marshal.

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1 MR. STEINBERG: We are discussing the
2 December date.

3 MR. IRENE: Fire marshal. Sit down with
4 the fire marshal.

5 MR. STEINBERG: We need to go to
6 January.

7 MR. IRENE: Fencing on the west side.
8 You are going to add that to the plan?

9 MR. STEINBERG: Yes.

10 MR. IRENE: Curbing and fencing on the
11 west side.

12 MR. ARIA: Do you have an excess of
13 parking spaces under the Ordinance right now.

14 MR. STEINBERG: Do we have an excess of
15 parking spaces? We think we are at the right
16 number. What is the parking space calculation
17 based on?

18 MR. MULLAN: I want to suggest, I think
19 the parking formula is one per two seats
20 indoors, so that means they need a minimum of 12
21 by formula. If someone was trying to achieve
22 the minimum required parking spaces required,
23 you would comply if you had 12 spaces.

24 MR. IRENE: Inclusive of the employee
25 parking, too.

1 MR. MULLAN: Total all told, yes.

2 MR. STEINBERG: What about outdoor
3 seats?

4 MR. MULLAN: That is a good point.
5 Fifteen.

6 MR. BRAY: Nineteen now.

7 MR. STEINBERG: We don't like the pylon
8 sign. Would we like it if it was smaller?

9 MR. HEGGIE: The sign location is fine.

10 MR. MULLAN: Smaller in size and or
11 height. Do you care about the degree of
12 reduction?

13 MR. STEINBERG: We could bring the size
14 down.

15 MR. ARIA: In the interest of wrapping
16 this up, I want to make sure you have a
17 direction to head and we are going to carry this
18 to January and not December.

19 MR. STEINBERG: It is just a little bit
20 too much to do in two weeks.

21 MR. ARIA: Right. Normally, at the
22 conclusion of all testimony, we ask for the

23 public to comment, if they would like. I would
24 like to have them have the opportunity to
25 comment tonight, so it would give you some

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1 direction, but I also don't want to turn this
2 into another hour, because you will have the
3 opportunity to comment in January. But if there
4 is anyone that would like to comment tonight,
5 just try and be brief, and we will give the
6 applicant a direction.

7 JOSEPH ROSELLI: 830 Broadway.

8 Joseph Roselli, sworn.

9 MR. ROSELLI: The only thing I see now
10 is in the back house I have, there is the fence
11 that goes in to walk back there. They
12 eliminated that. It's been like that. I've had
13 the property for 23 years. It's been like that
14 for 23 years. And prior to that, it's probably
15 been over 30 years something like that.

16 MAYOR TUCCI: Say that again?

17 MR. ROSELLI: In the back house, the
18 fence jogs in a little bit, so you can walk
19 around to get to the side door. And they took
20 it away, so you can't go back there now. I've

21 never received anything from them.

22 MR. SCALISE: It's not an easement or
23 anything like that?

24 MR. ROSELLI: No.

25 MR. STEINBERG: We've tried to send you

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1 letters.

2 MR. ROSELLI: I haven't received any
3 from mail or a call.

4 MAYOR TUCCI: Do you live at the
5 property?

6 MR. ROSELLI: Yeah.

7 MR. IRENE: Mr. Steinberg is going to
8 give you his card, so you can communicate with
9 him, if need be.

10 MR. ROSELLI: I've been here 23 years,
11 830 Broadway, Number 3.

12 MR. IRENE: Did you get a Notice for the
13 application?

14 MR. ROSELLI: Yes. I have no problem.
15 I don't know how we are going to get back there,
16 if we can work something out. I know with
17 Arnette, we worked something out years ago. And

18 I gave him a piece of property in the front.
19 Otherwise, they can't drive through that way
20 right now. We Swapped is what we did.

21 MR. IRENE: Was there some kind of
22 easement signed?

23 MR. ROSELLI: No. What we did was -- I
24 guess, it's in record. I'm not sure.

25 MR. IRENE: If you gave him a piece of

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1 your property in the front.

2 MR. ROSELLI: Yes. And we swapped.

3 MR. IRENE: I don't know.

4 MR. STEINBERG: With whom did he do this
5 with?

6 MR. ROSELLI: What happened was, when
7 they redid the building, they didn't have enough
8 room or easement for the cars to go through, so
9 I gave him part of the front, which is not shown
10 there. It comes in and then they gave me the
11 back. They left the back which I already had
12 any ways.

13 MR. IRENE: Do you have that
14 documentation?

15 MR. ROSELLI: Yeah.

16 MR. IRENE: You do? Okay. You are
17 going to want to share it with Mr. Steinberg,
18 maybe send a letter, send a copy to Chris Ann,
19 so we can figure it.

20 MR. ROSELLI: It should be through here,
21 too, West Long Branch should have it, too. When
22 they redid the building, I guess, early 2000, I
23 had to go through the Town, so we went through
24 the attorneys and everything.

25 MR. STEINBERG: We will check it out.

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1 MR. IRENE: There should be something of
2 record at the County Clerk's office.

3 MR. ROSELLI: I would think so.

4 MR. IRENE: Do you have a set of papers?
5 I would ask that you send a copy to Chris Ann to
6 get it and get a copy to Mr. Steinberg.

7 MR. ARIA: Anyone else?

8 MS. DOREMUS: No. Thank you for
9 answering my questions. I appreciate your time.

10 MR. ARIA: Anyone else that needs to
11 speak? Anything else that we need to do before
12 we conclude?

13 MR. STEINBERG: We need a date.
14 MS. DEGENARO: The 14th.
15 MAYOR TUCCI: Second Tuesday.
16 MR. STEINBERG: I respectfully request
17 that the matter be carried to January 14th 2020,
18 without any further public notice.
19 MR. IRENE: With the stipulation
20 extended time.
21 MS. DEGENARO: Carried without Notice.
22 MR. IRENE: Someone want to make a
23 motion to carry it to January 14th, without the
24 Re-Notice?
25 MR. BRAY: So moved.

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1 MR. HEGGIE: Second.
2 MS. DEGENARO: Mayor Tucci?
3 MAYOR TUCCI: Yes.
4 MS. DEGENARO: John Aria?
5 MR. ARIA: Yes.
6 MS. DEGENARO: Sarah O'Neill?
7 MS. O'NEILL: Yes.
8 MS. DEGENARO: Stephen Bray?
9 MR. BRAY: Yes.
10 MS. DEGENARO: Gordon Heggie?

11 MR. HEGGIE: Yes.
12 MS. DEGENARO: James Miller?
13 MR. MILLER: Yes.
14 MS. DEGENARO: Anthony Scalise?
15 MR. SCALISE: Yes.
16 MS. DEGENARO: Christine Haney?
17 MS. HANEY: Yes.
18 MR. IRENE: Interested parties, the
19 matter is being carried to January 14, 2020,
20 without Re-Notice. You are going to get no
21 further Notice. Mark it on your calendar, 7:30,
22 same place, same time 7:30. Anything that has
23 been marked, Mr. Steinberg, please leave with
24 Chris Ann.
25 MR. STEINBERG: We will.

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1 (Whereupon, the matter is carried at
2 10:20 p.m.)
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