

**West Long Branch  
PLANNING BOARD  
Meeting Minutes  
January 14, 2020**

Mr. Aria called the meeting to order at **7:00 PM** & Mr. Aria read the following statement:

This is the **January 14, 2020** 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:**

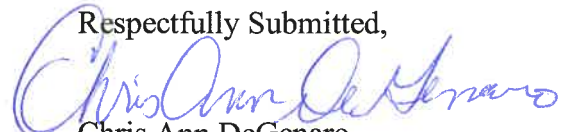
JOHN ARIA, Chairman  
JAMES MILLER  
CHRISTINE HANEY  
SARAH O'NEILL  
GORDON HEGGIE  
ROBERT FERRAGINA

MAYOR TUCCI  
RANDY TRILIO  
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: **9:31PM**

Respectfully Submitted,

  
Chris Ann DeGenaro  
Recording Secretary

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

-----  
REGULAR MEETING FOR:

TRANSCRIPT OF  
PROCEEDINGS

TUESDAY, JANUARY 14, 2020  
Re-Organization  
-----

BEFORE:

SARAH O'NEILL  
MAYOR TUCCI  
JOHN ARIA, Chairman  
STEPHEN BRAY  
GORDON HEGGIE  
RANDY TRIOLO  
ROBERT FERRAGINA  
JAMES MILLER  
DON BROCKLEBANK  
CHRISTINE HANEY  
ANTONIO SCALISE

ALSO PRESENT:

MICHAEL A. IRENE, JR., ESQ., Board Attorney  
FRANCIS MULLAN, P.E., Board Engineer  
GREGORY GITTO, P.E., Board Engineer  
CHRIS ANN DEGENARO, Recording Secretary

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

1     A P P E A R A N C E S:

2     MARK A. STEINBERG, ESQ.  
3     2300 Route 66 - Suite 203  
4     Neptune, New Jersey 07753  
5     732-774-5665  
6     Attorney for the Applicant

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	I N D E X	
2	WITNESS NAME	PAGE NO.
3	FRANK TRUILO, R.A.	
4	By Mr. Steinberg	23
5		
6		
7	RICHARD DiFOLCO, P.E.	
8	By Mr. Steinberg	86
9		
10		
11	JOHN REA, P.E.	
12	By Mr. Steinberg	86
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		



1 MS. DEGENARO: Mayor Tucci?  
2 MAYOR TUCCI: Here.  
3 MS. DEGENARO: John Aria?  
4 MR. ARIA: Here.  
5 MS. DEGENARO: Sarah O'Neill?  
6 MS. O'NEILL: Here.  
7 MS. DEGENARO: Stephen Bray?  
8 MR. BRAY: Here.  
9 MS. DEGENARO: Gordon Heggie?  
10 MR. HEGGIE: Here.  
11 MS. DEGENARO: Randy Triolo?  
12 MR. TRIOLO: Here.  
13 MS. DEGENARO: Rob Ferragina?  
14 MR. FERRAGINA: Here.  
15 MS. DEGENARO: James Miller?  
16 MR. MILLER: Here.  
17 MS. DEGENARO: Don Brocklebank?  
18 MR. BROCKLEBANK: Here.  
19 MS. DEGENARO: Christine Haney?  
20 MS. HANEY: Here.  
21 MR. ARIA: The January 14th 2020 regular  
22 meeting of the West Long Branch Planning Board  
23 Open Public Meetings Act.  
24 John Aria read Requirements of the Open  
25 Public Meeting Law.

1 Pledge of Allegiance.

2 MR. ARIA: All right. First order of  
3 business is the executive session for the  
4 review of professional RFPs. I think we need  
5 to clear the room for that.

6 Off the record.

7 MR. ARIA: First nomination for  
8 Chairperson?

9 MR. BRAY: I nominate John.

10 MR. HEGGIE: I will second.

11 MAYOR TUCCI: Yes.

12 MR. ARIA: Okay.

13 MS. O'NEILL: Second.

14 MS. DEGENARO: Stephen Bray?

15 MR. BRAY: Yes.

16 MS. DEGENARO: Gordon Heggie?

17 MR. HEGGIE: Yes.

18 MS. DEGENARO: Randy Triolo?

19 MR. TRIOLO: Yes.

20 MS. DEGENARO: Rob Ferragina?

21 MR. FERRAGINA: Yes.

22 MS. DEGENARO: James Miller?

23 MR. MILLER: Yes.

24 MS. DEGENARO: Anthony Scalise?

25 MR. SCALISE: Yes.

1 MS. DEGENARO: Don Brocklebank?  
2 MR. BROCKLEBANK: Yes.  
3 MS. DEGENARO: Christine Haney?  
4 MS. HANEY: Yes.  
5 MR. ARIA: Thank you. Next will be Vice  
6 Chair. I nominate Sarah O'Neill.  
7 MR. BRAY: Second.  
8 MS. DEGENARO: Mayor Tucci?  
9 MAYOR TUCCI: Yes.  
10 MS. DEGENARO: Mr. Aria?  
11 MR. ARIA: Yes.  
12 MS. DEGENARO: Stephen Bray?  
13 MR. BRAY: Yes.  
14 MS. DEGENARO: Gordon Heggie?  
15 MR. HEGGIE: Yes.  
16 MS. DEGENARO: Randy Triolo?  
17 MR. TRIOLO: Yes.  
18 MS. DEGENARO: Rob Ferragina?  
19 MR. FERRAGINA: Yes.  
20 MS. DEGENARO: James Miller?  
21 MR. MILLER: Yes.  
22 MS. DEGENARO: Anthony Scalise?  
23 MR. SCALISE: Yes.  
24 MS. DEGENARO: Don Brocklebank?  
25 MR. BROCKLEBANK: Yes.



1 MS. DEGENARO: Christine Haney?  
2 MS. HANEY: Yes.  
3 MS. DEGENARO: Sarah O'Neill?  
4 MS. O'NEILL: Abstain.  
5 MR. ARIA: Next will be Board Attorney.  
6 I nominate Mike Irene.  
7 MS. O'NEILL: Second.  
8 MS. DEGENARO: Mayor Tucci?  
9 MAYOR TUCCI: Yes.  
10 MS. DEGENARO: John Aria?  
11 MR. ARIA: Abstain.  
12 MS. DEGENARO: Sarah O'Neill?  
13 MS. O'NEILL: Yes.  
14 MS. DEGENARO: Stephen Bray?  
15 MR. BRAY: Yes.  
16 MS. DEGENARO: Gordon Heggie?  
17 MR. HEGGIE: Yes.  
18 MS. DEGENARO: Randy Triolo?  
19 MR. TRIOLO: Yes.  
20 MS. DEGENARO: Rob Ferragina?  
21 MR. FERRAGINA: Yes.  
22 MS. DEGENARO: James Miller?  
23 MR. MILLER: Yes.  
24 MS. DEGENARO: Anthony Scalise?  
25 MR. SCALISE: Yes.

1 MS. DEGENARO: Don Brocklebank?  
2 MR. BROCKLEBANK: Yes.  
3 MS. DEGENARO: Christine Haney?  
4 MS. HANEY: Yes.  
5 MR. ARIA: Next is Board Engineer.  
6 MR. BRAY: I nominate Fran Mullan.  
7 MAYOR TUCCI: Second.  
8 MS. DEGENARO: Mayor Tucci?  
9 MAYOR TUCCI: Yes.  
10 MS. DEGENARO: John Aria?  
11 MR. ARIA: Yes.  
12 MS. DEGENARO: Sarah O'Neill?  
13 MS. O'NEILL: Yes.  
14 MS. DEGENARO: Stephen Bray?  
15 MR. BRAY: Yes.  
16 MS. DEGENARO: Gordon Heggie?  
17 MR. HEGGIE: Yes.  
18 MS. DEGENARO: Randy Triolo?  
19 MR. TRIOLO: Yes.  
20 MS. DEGENARO: Rob Ferragina?  
21 MR. FERRAGINA: Yes.  
22 MS. DEGENARO: James Miller?  
23 MR. MILLER: Yes.  
24 MS. DEGENARO: Anthony Scalise?  
25 MR. SCALISE: Yes.

1 MS. DEGENARO: Don Brocklebank?  
2 MR. BROCKLEBANK: Yes.  
3 MS. DEGENARO: Christine Haney?  
4 MS. HANEY: Yes.  
5 MR. ARIA: Next is Board Secretary.  
6 MR. BRAY: I nominate Chris Ann  
7 Degenaro.  
8 MS. O'NEILL: Second.  
9 MS. DEGENARO: Mayor Tucci?  
10 MAYOR TUCCI: Yes.  
11 MS. DEGENARO: John Aria?  
12 MR. ARIA: Yes.  
13 MS. DEGENARO: Sarah O'Neill?  
14 MS. O'NEILL: Yes.  
15 MS. DEGENARO: Stephen Bray?  
16 MR. BRAY: Yes.  
17 MS. DEGENARO: Gordon Heggie?  
18 MR. HEGGIE: Yes.  
19 MS. DEGENARO: Randy Triolo?  
20 MR. TRIOLO: Yes.  
21 MS. DEGENARO: Rob Ferragina?  
22 MR. FERRAGINA: Yes.  
23 MS. DEGENARO: James Miller?  
24 MR. MILLER: Yes.  
25 MS. DEGENARO: Anthony Scalise?

1 MR. SCALISE: Yes.

2 MS. DEGENARO: Don Brocklebank?

3 MR. BROCKLEBANK: Yes.

4 MS. DEGENARO: Christine Haney?

5 MS. HANEY: Yes.

6 MR. ARIA: Next is Board Stenographer.

7 MR. BRAY: I nominate Lisa Norman.

8 GORDON HEGGIE: Second.

9 MS. DEGENARO: Mayor Tucci?

10 MAYOR TUCCI: Yes.

11 MS. DEGENARO: John Aria?

12 MR. ARIA: Yes.

13 MS. DEGENARO: Sarah O'Neill?

14 MS. O'NEILL: Yes.

15 MS. DEGENARO: Stephen Bray?

16 MR. BRAY: Yes.

17 MS. DEGENARO: Gordon Heggie?

18 MR. HEGGIE: Yes.

19 MS. DEGENARO: Randy Triolo?

20 MR. TRIOLO: Yes.

21 MS. DEGENARO: Rob Ferragina?

22 MR. FERRAGINA: Yes.

23 MS. DEGENARO: James Miller?

24 MR. MILLER: Yes.

25 MS. DEGENARO: Mr. Scalise?

1 MR. SCALISE: Yes.

2 MS. DEGENARO: Don Brocklebank?

3 MR. BROCKLEBANK: Yes.

4 MS. DEGENARO: Christine Haney?

5 MS. HANEY: Yes.

6 MR. ARIA: Next is the approval of the

7 meeting dates for the coming year and we have a

8 correction or amendment to the one we were all

9 distributed. We are going to change April 14th

10 to April 21st.

11 MR. BRAY: So moved.

12 MR. ARIA: Second.

13 MS. DEGENARO: Mayor Tucci?

14 MAYOR TUCCI: Yes.

15 MS. DEGENARO: John Aria?

16 MR. ARIA: Yes.

17 MS. DEGENARO: Ms. O'Neill?

18 MS. O'NEILL: Yes.

19 MS. DEGENARO: Stephen Bray?

20 MR. BRAY: Yes.

21 MS. DEGENARO: Gordon Heggie?

22 MR. HEGGIE: Yes.

23 MS. DEGENARO: Randy Triolo?

24 MR. TRIOLO: Yes.

25 MS. DEGENARO: Rob Ferragina?

1 MR. FERRAGINA: Yes.

2 MS. DEGENARO: James Miller?

3 MR. MILLER: Yes.

4 MS. DEGENARO: Anthony Scalise?

5 MR. SCALISE: Yes.

6 MS. DEGENARO: Don Brocklebank?

7 MR. BROCKLEBANK: Yes.

8 MS. DEGENARO: Christine Haney?

9 MS. HANEY: Yes.

10 MR. ARIA: Last is the official

11 newspapers.

12 MR. BRAY: I nominate -- propose Asbury

13 Park Press, Link and Atlanticville.

14 MS. DEGENARO: Second?

15 MR. SCALISE: Yes.

16 MS. DEGENARO: Mayor Tucci?

17 MAYOR TUCCI: Yes.

18 MS. DEGENARO: Stephen Bray?

19 MR. BRAY: Yes.

20 MS. DEGENARO: Gordon Heggie?

21 MR. HEGGIE: Yes.

22 MS. DEGENARO: Randy Triolo?

23 MR. TRIOLO: Yes.

24 MS. DEGENARO: Sarah O'Neill?

25 MS. O'NEILL: Yes.

1 MS. DEGENARO: Rob Ferragina?

2 MR. FERRAGINA: Yes.

3 MS. DEGENARO: James Miller?

4 MR. MILLER: Yes.

5 MS. DEGENARO: Antonio Scalise?

6 MR. SCALISE: Yes.

7 MS. DEGENARO: Don Brocklebank?

8 MR. BROCKLEBANK: Yes.

9 MS. DEGENARO: Christine Haney?

10 MS. HANEY: Yes.

11 MR. ARIA: All right. I think that  
12 concludes all of the reorganization business  
13 that we have. First order of business is Clark  
14 and Jeffrey Chambers. They need an extension.

15 MR. BRAY: I move we extend to March  
16 31st.

17 MR. ARIA: Second.

18 MR. IRENE: Mr. Chairman, I suggest we  
19 call the roll.

20 MS. DEGENARO: Mayor Tucci?

21 MAYOR TUCCI: Here.

22 MS. DEGENARO: John Aria?

23 MR. ARIA: Here.

24 MS. DEGENARO: Sarah O'Neill?

25 MS. O'NEILL: Here.

1 MS. DEGENARO: Stephen Bray?  
2 MR. BRAY: Here.  
3 MS. DEGENARO: Gordon Heggie?  
4 MR. HEGGIE: Yes.  
5 MS. DEGENARO: Mr. Triolo?  
6 MR. TRIOLO: Here.  
7 MS. DEGENARO: Rob Ferragina?  
8 MR. FERRAGINA: Here.  
9 MS. DEGENARO: James Miller?  
10 MR. MILLER: Here.  
11 MS. DEGENARO: Antonio Scalise?  
12 MR. SCALISE: Here.  
13 MS. DEGENARO: Don Brocklebank?  
14 MR. BROCKLEBANK: Here.  
15 MS. DEGENARO: Christine Haney?  
16 MS. HANEY: Here.  
17 MR. ARIA: This is the January 14th 2020  
18 regular meeting of the West Long Branch Planning  
19 Board. This meeting is called pursuant to the  
20 revisions of the Open Public Meetings Act. This  
21 meeting was listed in the Notice of the Annual  
22 Schedule of the regular meetings of this Board  
23 sent to both the Asbury Park Press and the Link  
24 News. Said Notice is also posted on the  
25 bulletin board in Borough Hall and has



1 continuously been posted there under the  
2 statute. In addition, copy of a said Notice and  
3 has been available to the public and on file in  
4 the Office of the Borough Clerk. A copy of said  
5 Notice has also been sent to such members of the  
6 public as have requested such information in  
7 accordance with the statute. Proper Notice  
8 having been given, the Board secretary is  
9 directed to include the statements into this  
10 meeting.

11 MR. IRENE: So, on the Chamber's matter,  
12 Mr. Chairman, we have the subdivision that they  
13 hadn't perfected. The subdivision expired.  
14 They got one extension. They are requesting  
15 another one. The paperwork is in. Subject to a  
16 few minor revisions, they should have it all  
17 done shortly and they are asking for an  
18 extension through and including the end of March  
19 2020.

20 MR. BRAY: I move we extend it to March  
21 31st 2020.

22 MR. ARIA: I will second that.

23 MR. IRENE: First nine.

24 MS. DEGENARO: Mayor Tucci?

25 MAYOR TUCCI: Abstain.

1 MS. DEGENARO: John Aria?

2 MR. ARIA: Yes.

3 MS. DEGENARO: Sarah O'Neill?

4 MS. O'NEILL: Yes.

5 MS. DEGENARO: Stephen Bray?

6 MR. BRAY: Yes.

7 MS. DEGENARO: Gordon Heggie?

8 MR. HEGGIE: Yes.

9 MS. DEGENARO: Randy Triolo?

10 MR. TRIOLO: Yes.

11 MS. DEGENARO: James Miller?

12 MR. MILLER: Yes.

13 MS. DEGENARO: Antonio Scalise?

14 MR. SCALISE: Yes.

15 MS. DEGENARO: Don Brocklebank?

16 MR. BROCKLEBANK: Yes.

17 MS. DEGENARO: Christine Haney?

18 MS. HANEY: Yes.

19 MR. ARIA: Next item of business is the  
20 major final site plan for SNEH Foods, LLC.

21 MR. BRAY: 11-by-17.

22 MR. IRENE: Mr. Chairman, this is the  
23 SNEH Foods, LLC Dunkin Donuts's application.  
24 This matter was continued from the November 12,  
25 2019 meeting of the Board and before we let

1 Counsel put his appearance on the record, we are  
2 going to swear in our professional engineers.

3 (Fran Mullan and Gregory Gitto, sworn.)

4 MR. STEINBERG: Good evening, Ladies and  
5 Gentlemen, Mark Steinberg on behalf of the  
6 Applicant. This is a continued hearing and I'm  
7 not sure who is eligible and who isn't. We will  
8 get to that when we can. We will proceed with  
9 this portion of the application.

10 When we left off in December, I believe,  
11 we had received some indication from the Board  
12 as to certain areas that could be tweaked and we  
13 have revised both the Architectural Plans and  
14 the Site Plan to be more in conformance with  
15 what we believe would be a better end product  
16 and something that West Long Branch would  
17 prefer. So I guess we will do the  
18 architecturals first and if we could have our  
19 Architect, who is still under oath, or do you  
20 want to re-swear?

21 MR. IRENE: We are going to swear him  
22 in.

23 MR. STEINBERG: It is a new year.

24 MR. IRENE: Just a couple of  
25 housekeeping matters. I did call Mr. Steinberg

1 last week because one of the issues that was  
2 left dangling from last time was the Fire  
3 Marshal and I don't know if it made its way to  
4 the Board. There were some communication from  
5 the Fire Marshal and there was an indication  
6 indicating the Fire Marshal had it, but he was  
7 not going to have an opportunity between then  
8 and tonight's meeting to go out and take a look  
9 at whatever he had to.

10 The other issue, Mr. Steinberg, weren't  
11 we going to get a Title search?

12 MR. STEINBERG: I have it here.

13 MR. IRENE: You sent that to me when?

14 MR. STEINBERG: A month-and-a-half ago.  
15 It was November 21st. I remember scanning it  
16 and sending it to you.

17 MR. IRENE: I can't find it. Okay. I  
18 will take your word for it. Did you get the  
19 neighbors also?

20 MR. STEINBERG: He is here.

21 MR. IRENE: Did you get his property?

22 MR. STEINBERG: Yes, I searched both.  
23 Do you want to enter it into evidence?

24 MR. IRENE: Does it show anything?

25 MR. STEINBERG: This is Foundation Title

1 November 21st 2019. I will just summarize.  
2 It's two lines, and it says, enclosed please  
3 find results of Deed search. We find no  
4 recorded Deed of Easement for access affecting  
5 Lot 4.01 or Lot 5 in Block 114. If you need any  
6 further assistance, let me know.

7 MR. IRENE: Okay.

8 MR. STEINBERG: It did not reveal any  
9 recorded document. I spoke to the neighbor. He  
10 is here tonight. We think we have come up with  
11 a moderate Resolution to the problem and we will  
12 get into that further, but maybe we can mark  
13 this as A-8.

14 MR. IRENE: Yeah, my notes reflect we  
15 are up and through A-7, Title search from 2019.

16 MR. STEINBERG: Yeah, it's limited to  
17 the Lot 4.01, Lot 5. It is a search for  
18 easements. Yeah, we will call it a Title  
19 search.

20 (Whereupon Exhibit 8 - Title Search was  
21 received and marked into evidence.)

22 MR. IRENE: Subject property and the  
23 adjoining property to the east.

24 MR. STEINBERG: Correct.

25 MR. IRENE: Thank you.

1           MR. STEINBERG: As to the Fire Marshal,  
2 we have submitted to your engineering staff the  
3 documents that we forwarded to the Fire Marshal  
4 together with a plan for where the trucks would  
5 go and that and we will talk about that.  
6 Obviously, he is a part-time employee, I  
7 believe, of the Municipality and he just was  
8 very pleasant, but he said he just couldn't get  
9 to it. I don't know when he can. Maybe if we  
10 get through everything else --

11           MAYOR TUCCI: Did he indicate any --

12           MR. STEINBERG: No.

13           MAYOR TUCCI: -- concern moving forward  
14 if things come up that this could all be moot?  
15 Whatever we discuss --

16           MR. STEINBERG: Well, okay. Our  
17 engineer will advise.

18           MS. O'NEILL: We need this info.

19           CHAIRMAN ARIA: When did you provide him  
20 with the plans?

21           MR. STEINBERG: Pardon me?

22           CHAIRMAN ARIA: When did you provide him  
23 with the plans?

24           MR. STEINBERG: December 30. Two weeks  
25 ago.

1           MR. IRENE: Mr. Shirley responded on  
2           January 8th that he has the materials. He has  
3           the response, but he won't be able to get to it  
4           and respond before the January 14 meeting.

5           MR. STEINBERG: Some of which were  
6           questions with regard to materials and a plan  
7           that was presented which your professionals have  
8           with the fire truck. Let's see how far we can  
9           get tonight.

10          CHAIRMAN ARIA: Okay.

11          MR. STEINBERG: It's something that I  
12          think we could resolve with the Fire Marshal.  
13          Let's get -- are we finished with the  
14          housekeeping?

15          MR. IRENE: I believe we are, unless you  
16          have anything else.

17          MR. STEINBERG: Not at this point.

18          (Whereupon, Frank Truilo, sworn.)

19          MR. TRUILO: Should I state my  
20          qualifications?

21          MR. STEINBERG: I think he has been  
22          previously qualified as Registered Architect in  
23          the State of New Jersey and this Board accepted  
24          him in this application.

25          MR. IRENE: Your professional

1           qualifications haven't changed since you were  
2           accepted by the Board in November, correct?

3                   THE WITNESS:   Correct.

4   DIRECT EXAMINATION BY MR. STEINBERG:

5           Q.       Can you tell us, of course you were at  
6           the last hearing and testified, can you show the  
7           Board the changes that have been made to the plans?  
8           Now, I don't know, the new plans actually should be  
9           marked in as A-8.   Full set.

10                   MR. IRENE:   Yeah.   Why don't we mark the  
11           set.

12                   MR. STEINBERG:   A-9.

13                   (Whereupon Exhibit A-9 - Floor Plans and  
14           Elevations prepared by Mr. Truilo consisting of  
15           three sheets dated May 29, 2019 revised through  
16           December 30, 2019 were received and marked into  
17           evidence.)

18                   MR. IRENE:   Set submitted to the Board,  
19           Floor Plans and Elevations prepared by Mr.  
20           Truilo consisting of three sheets dated May 29,  
21           2019 revised through December 30, 2019.   A-9.  
22           You have some color-enhanced.

23                   MR. TRUILO:   Yes, drawing A5 AC and  
24           drawing A5 BC.

25           Q.       First one?



1           A.           A5 AC.   So I marked that as an exhibit.

2                   MR. IRENE:   Yeah, why don't you mark  
3           that A-10.   We are going to call it a  
4           color-enhanced collectively.

5                   THE WITNESS:   Drawing A5 BC.

6                   MR. IRENE:   Why don't we mark them  
7           collectively as A-10?

8                   (Whereupon Exhibit A-10 - Color-enhanced  
9           plan set collectively received and marked into  
10          evidence.)

11                  THE WITNESS:   Okay.

12           A.           At December's meeting, the Board felt  
13   that we had too much signage, so we did, if you look  
14   on Sheet A5 AC, which are the elevations of the  
15   building, the lower elevation represents the  
16   drive-through side.   Here is the drive-through  
17   window.

18                   (Whereupon, Mr. Miller exits.)

19           A.           Originally, we had some messaging on the  
20   side of the building, America Runs on Dunkin, so we  
21   removed that.   On the front elevation facing  
22   Broadway, we have two signs.   If this had been a year  
23   ago, we would still be calling the brand Dunkin  
24   Donuts, so we have a Dunkin Donuts on the front.   But  
25   instead, it's now Dunkin.   That is the new name of

1 the brand. And we like to have the DD here because  
2 the DD is a remembrance to Dunkin Donuts, so we have  
3 two signs on the front. We are under the aggregate  
4 of 10 percent gross area.

5 And then, on the next sheet, Sheet A5  
6 BC, you look at the lower elevation, this is the side  
7 facing the parking lot entry and we would like to  
8 have the DD here because we do have an entrance on  
9 this side and I believe we need a variance for that  
10 sign. We are under 10 percent of the aggregate area.  
11 Those are the only two changes that I was asked.

12 Q. Right. There was other signage, though?

13 A. Oh, yeah. Yeah.

14 Q. Both signs have wording?

15 A. I'm sorry. Yes, there was some message  
16 that, Something Fresh is Always Brewing, and we took  
17 that out and the related lighting that was shining on  
18 that sign.

19 Q. And --

20 MR. BRAY: Yeah, that had the lights  
21 coming down on the neighbor?

22 Q. On both sides of the building?

23 A. Yeah, those are gone.

24 Q. Those are gone. Also, on the Floor  
25 Plan, we removed --

1           A.       The second window.

2           Q.       -- the second window.

3           A.       Yes. Yes. So we have one window.

4           Q.       I don't know if the Board recalls, we  
5 originally had two windows on the east side of the  
6 building because it was an attempt to have the pickup  
7 window or the second pickup window, so there could be  
8 a bypass in the event somebody had to wait for more  
9 than coffee, and it didn't work interior-wise, and we  
10 kept the window that was closest to the interior  
11 operation.

12          A.       Yeah. The window is in this location  
13 and that is the same as it was at the last  
14 application, at the last meeting. The window at the  
15 corner is gone.

16          Q.       And it gave us some more queue area?

17          A.       Gave us more for post-stacking, so that  
18 when the car leaves the window, they are not  
19 immediately on Broadway, so they have some distance  
20 between the window and the corner of the building and  
21 from the corner of the building to the curb line, so  
22 that improves the post-stacking after the window.

23          Q.       Any other changes made?

24          A.       Those are the only changes.

25          Q.       And this, again, will be a similar

1 building, if you're familiar with Hope Road, the new  
2 one?

3 A. I don't think I did that one.

4 Q. Is that the new prototype?

5 A. Yes. It is the new prototype.

6 MR. STEINBERG: And I don't know if the  
7 Board is familiar.

8 (Whereupon, Mr. Miller enters.)

9 Q. Across from UPS, there is a new  
10 building?

11 A. Right. It's the next gen's image, as  
12 Dunkin Donuts refers to it.

13 MR. STEINBERG: I have no further  
14 questions of our Architect.

15 MR. ARIA: Any Board Members have  
16 questions of the architect?

17 MR. BRAY: Just a comment on the other  
18 sign I saw in T&M's letter, the main pedestals  
19 sign, you have a reduced size on that?

20 THE WITNESS: Yeah, our engineer will  
21 discuss that on his site plan.

22 MR. STEINBERG: Yeah, that's true,  
23 though, we have reduced the height and the size  
24 of the existing sign, the freestanding sign.

25 MR. ARIA: Anyone else? Any members of

1 the public wish to question?

2 MR. IRENE: Mr. Chairman, which  
3 elevation is that DD, the east or the west? The  
4 west?

5 THE WITNESS: Well, the DD is on the  
6 front elevation facing Broadway and the  
7 elevation facing the parking lot which is, help  
8 me out, west side?

9 MR. IRENE: West. Thank you.

10 MR. STEINBERG: The north and west  
11 elevation. And then, of course, we heard some  
12 concerns with the site plan itself and we have  
13 some redesigns of that, so we need to have our  
14 engineer sworn back in.

15 (Richard DiFolco, sworn.)

16 MR. IRENE: Mr. DiFolco, your  
17 professionals credentials have not changed since  
18 November of 2019, when you were accepted in the  
19 field?

20 THE WITNESS: They have not.

21 MR. STEINBERG: We can mark as A-11 the  
22 revised plans that were submitted?

23 MR. IRENE: Yeah, we had the revised  
24 site plan prepared by Richard DiFolco, P.E. and  
25 P.P. of JKR consisting of nine sheets dated May

1           29, 2019 revised through and including December  
2           30, 2019.

3           THE WITNESS:   Correct.

4           MR. IRENE:    A-11, please?   The big set.

5                        (Whereupon Exhibit A-11 - Site Plan  
6           prepared by Richard DiFolco, P.E. and P.P. of  
7           JKR consisting of nine sheets dated May 29, 2019  
8           revised through and including December 30, 2019  
9           was received and marked into evidence.)

10           MR. STEINBERG:   Could we mark that A-12,  
11           which is what sheet?

12                       THE WITNESS:   It's Sheet 3 of 9.   The  
13           site plan sheet.   It's colorized.   It shows with  
14           landscaping is proposed.

15           MR. IRENE:    A-12.   You can mark that for  
16           us.   Color-enhanced version of Sheet 3 of  
17           Exhibit A-11.

18                       (Whereupon Exhibit A-12 - Color-enhanced  
19           version of Sheet 3 of Exhibit A-11 was received  
20           and marked into evidence.)

21           Q.           Can you walk the Board through the  
22           changes that were made to the site plan?

23           A.           Yes.   I also have the T&M letter of  
24           January 13, which I will refer to.

25           Q.           Before, and I did forget, I don't -- the

1 building has been moved forward five feet?

2 A. Approximately, five feet.

3 Q. Approximately, five feet and we now  
4 would require a front yard setback variance.

5 A. I talked about that at the last meeting.

6 Q. We will give you the reasoning for that.

7 A. I talked about that at the last meeting.  
8 The original plan had no buffer along the back of the  
9 property. We basically took the site plan and pushed  
10 it towards the front to give us a solid row of  
11 arborvitaes. The front setback what we did is, we  
12 looked to the building to the east and the west and  
13 we drew a line and we are kind of at the average  
14 point of those two, so we're not really ahead of any  
15 of the other buildings, just almost a straight line.  
16 If you align the building to the west and the  
17 building to the east, it will be in the center.  
18 Before, we were back behind the center and now we are  
19 in line with those two buildings.

20 MR. IRENE: What is the proposed  
21 setback? Is that the 3.5?

22 THE WITNESS: 3.3, I believe --

23 MR. ARIA: What is required?

24 THE WITNESS: -- to the east corner.

25 MR. ARIA: What is required in the zone?

1           THE WITNESS:  Thirty-five feet, so it  
2           was 3.7 feet into the front.

3           MR. ARIA:  Did you also move parking  
4           spaces forward five feet?

5           THE WITNESS:  Yes, we slid the handicap  
6           space forward.  We kept the relationship between  
7           the front of the building and the parking the  
8           space same.

9           MR. ARIA:  Parking on the west side of  
10          the property, the angle parking.

11          THE WITNESS:  The angle parking, we  
12          still have 14 spaces.

13          MR. ARIA:  But did they move forward?

14          THE WITNESS:  Slightly.  We had one  
15          space back where the trees are.  Everything  
16          moved forward about four feet, give or take.

17          MR. ARIA:  Spaces are all the same  
18          dimension just moved forward?

19          THE WITNESS:  Same dimension still,  
20          correct.  We eliminated the generator.  We had a  
21          standby generator.  We've taken it off the site  
22          plan.  So that whole fence in noise issue is  
23          gone.  We took the generator off the site.  
24          Secondly, we had a dumpster in the back corner  
25          originally.  We've taken from that corner and



1 moved to a point directly behind the building  
2 inside the loop where you would drive through,  
3 so that is about 30 some-odd feet from the  
4 neighbor's rear line and the side line, so it's  
5 as far away as the three corners that we could  
6 get.

7 We had four employee spaces behind the  
8 store before. Now we are down to three. By  
9 moving this in, we lose a little space.  
10 Although this is not striped for parking, there  
11 is enough room for three cars, whether they are  
12 angling this way or angling towards the  
13 building, but we can get three cars in here, not  
14 on a painted space. But also the loading zone,  
15 which we talked about last time where when there  
16 is some loading the employees will be directed  
17 to move their car, but this will come during the  
18 off-peak hour. Same thing with the garbage  
19 collection, during the off-peak hour between, I  
20 think, 10 and 2 p.m., where it's not very busy,  
21 we will direct the private trash collector when  
22 to come, so we will get a schedule down and we  
23 will make sure he is not in conflict with the  
24 busy time of the store.

25 So one of the other changes that we made

1           was we added two exit lanes, the left turn and a  
2           right turn at Broadway. We submitted that to  
3           the County Planning Board since this is the  
4           County road. We don't have any negative comment  
5           back from the County. They said that the  
6           planning staff has no issue with the left or the  
7           right turn. Mr. Rea is here, the traffic  
8           engineer. He will explain that as well.

9                     But this is back on the Agenda for them  
10           to look at again, but the initial feedback was  
11           they don't have a problem with it.

12                    MR. STEINBERG: We received an email  
13           from the planning board that they didn't see any  
14           problem with it.

15                    THE WITNESS: It was voted on.

16                    MR. STEINBERG: By the Board. But it  
17           looks as though it will be satisfactory.

18           A.        Another issue that we addressed was, we  
19           had a letter from the Fire Marshal. And if you go by  
20           the book, the book says fire lane has to be 20 feet  
21           wide. Well, the book doesn't explain why that 20  
22           feet came about. The 20 feet is for when a truck  
23           puts the outriggers out and want to have room for the  
24           outriggers. I spoke to the Fire Marshal initially  
25           and he said they would never park the truck five feet

1 away from the building. He would drive beyond the  
2 building and park and fight the fire. What I did  
3 it's only 16 feet painted on an 18-foot lane to get  
4 to a 20-foot wide firefighting where he can drop the  
5 outriggers and fight the fire from the back. He  
6 hasn't gotten back to us on this yet.

7 I think, the practical way to do this,  
8 the site is only 100 feet wide. I also mentioned to  
9 him that we could fight the fire from the front.  
10 It's less than 150 feet away from the building with  
11 the hose. It's not way in the back. If he doesn't  
12 want to come onsite, I believe this is a way he could  
13 drive passed the building, have plenty of room for a  
14 truck. We actually have the exhibit that we gave to  
15 him. This is another exhibit. This is going to be  
16 A-13.

17 Q. What will we call that? Do you have a  
18 title on that?

19 A. Yes. It's, Fire Apparatus Access Plan.

20 MR. IRENE: Is it dated? Is that dated?

21 THE WITNESS: One second. I had a pen  
22 in my mouth.

23 MR. STEINBERG: It is dated.

24 THE WITNESS: December 30th.

25 MR. STEINBERG: Consists of one sheet.

1           It's in your Engineer's report.

2                   (Whereupon Exhibit A-13 - Fire Apparatus  
3           Access Plan, December 30, one sheet was received  
4           and marked into evidence.)

5           A.       What this plan is, it shows the green  
6           fire lane and this orange block in the back is the  
7           size of an aerial truck, 10 feet wide and 40 feet  
8           long. So if the truck was to come in the site, drive  
9           passed the building and park in the back, typically  
10          about 15 feet away is as close as he wants to be to  
11          get the right angle. It's only a one-story building,  
12          so we're not going way up in the air. It's a  
13          one-story building. He could get on the roof with  
14          the hose and the ladder and fight the fire in the  
15          back. The fire hydrant is one lot away. They could  
16          drop the hose to the pumper truck, hook it all up.  
17          We don't need a fire connection on this building.  
18          It's not large enough to require, so we won't have an  
19          internal fire system. No fire connection is required  
20          by code, but this is what we propose to the Fire  
21          Marshal which we hope will accept.

22          Q.       You sent him a memo asking him some  
23          questions?

24          A.       I did. I basically went through that  
25          history.

1           Q.       You asked for some materials and some  
2 other questions. Did he supply that?

3           A.       We agreed about the sign about the  
4 construction of the roof and the Knox box. We will  
5 put that in, but that is basically the essence of  
6 what we spoke about the fire.

7                   MR. BRAY: So you are going to get his  
8 approval, is what you are saying?

9                   THE WITNESS: We are going to work with  
10 them.

11                  MR. STEINBERG: We have to have his  
12 approval.

13                  MR. BRAY: I mean, it's good that you  
14 gave us this background, but we're not  
15 providing an opinion.

16                  THE WITNESS: That is the reason.

17                  MR. ARIA: I have a question. If I  
18 remember correctly from the last meeting, I  
19 thought that you provided for enough space for  
20 the fire engine to the building. It was the  
21 overhang on that side that encroached upon that  
22 space. So at ground level, you had adequate  
23 space, but not up at the level of the overhang.  
24 Am I wrong about that?

25                  MR. STEINBERG: The overhang is on the

1           other side.

2                   MR. BRAY:  No.  John is right.  You had  
3           proposed moving the bollards closer to the  
4           building at the last meeting.

5                   THE WITNESS:  There is an overhang over  
6           the sidewalk.

7                   MR. ARIA:  That's what I am talking  
8           about.  Wasn't that what encroached on the fire  
9           space and not on the ground level?

10                  THE WITNESS:  No, we never had a 20-foot  
11           driveway.  It's still 18.  It's a 20-foot lane.

12                  MR. MULLAN:  If I could add a little bit  
13           to that, so when I look at the plan on the  
14           pavement surface, I would ask the Engineer right  
15           now, its dimensioned from the curb face to the  
16           back of the parking stall where the customer car  
17           is going to be is 18 feet.

18                  THE WITNESS:  Correct, yes.

19                  MR. MULLAN:  And you are proposing 16  
20           feet from the face of that curb.

21                  THE WITNESS:  No, it's 16-foot to the  
22           paint.  A foot off the curb and a foot off the  
23           back of the stall.  Just a painted line.

24                  MR. MULLAN:  One foot off the back of  
25           the stall painted line on the pavement surface,

1           so there is 16 feet reserved for the fire lane.

2           THE WITNESS: Fire lane marked on the  
3 pavement.

4           MR. MULLAN: Understood. Does any of  
5 the canopy extend passed the curb face?

6           THE WITNESS: No.

7           MR. MULLAN: Okay. So vertically from  
8 the curb face at the pavement surface straight  
9 up the canopy does not overhang the curb in any  
10 way?

11          THE WITNESS: Not at all.

12          MR. MULLAN: At any location?

13          MR. SCALISE: The canopy looks like it's  
14 a foot further back from the curb. Is that  
15 about accurate?

16          THE WITNESS: No -- well, maybe more  
17 than a foot.

18          MR. SCALISE: Eighteen inches.

19          THE WITNESS: Maybe 18 inches from the  
20 back.

21          MR. MULLAN: If you're looking at the  
22 site plan for the image that they submitted, the  
23 canopy is the dashed line and that is probably a  
24 foot or two back from the back of the curb in  
25 the sidewalk area. So nothing is going to

1           inhibit or prohibit the vehicle from pulling  
2           along that curb line.

3           MR. ARIA:    Okay.

4           MR. SCALISE:  The fire truck is not  
5           required to turn around, if you pull in.  And I  
6           guess you back out?

7           MAYOR TUCCI:  That was my question.

8           THE WITNESS:  The way I read the code,  
9           the code says you can't back up more than 150  
10          feet.  So when I had this image on here, the  
11          back of the truck is 123 feet from the curb line  
12          of Broadway, so this distance is 123 feet from  
13          the back of the truck, so if this back of the  
14          truck backs up 123 feet, he is back in the  
15          street again.  It is a grey area.  Is it the  
16          driver's seat or is it the back of the truck?

17          MR. IRENE:  What happens if the Fire  
18          Official says that's not acceptable?

19          THE WITNESS:  That is a good question.  
20          We are going to be faced with probably taking  
21          the sidewalk away and the bollards away and just  
22          paving to the building.

23          MR. IRENE:  So wouldn't it make sense to  
24          know what the Fire Official is going to do  
25          before the spend the money on the project?



1                   THE WITNESS: We hoped we would have  
2                   heard back.

3                   MR. IRENE: Understand, but you didn't.  
4                   It's up to the Board. It's the Board's call.  
5                   Might that not affect much of whatever else is  
6                   going on at the site?

7                   THE WITNESS: I don't believe so. It's  
8                   this much of two feet. It's 18 to 20. Either  
9                   move the striping to the sidewalk or move the  
10                  bollard.

11                  MR. ARIA: I think the moving of the  
12                  bollard is a material item. Would you agree  
13                  with that, if you had to move the bollards to  
14                  satisfy the Fire Marshal?

15                  THE WITNESS: I don't believe that he  
16                  needs 20 feet to drive. The street of Broadway  
17                  is not 20 feet with the cars parking. So, The  
18                  20 feet is a theoretical. Let's put the  
19                  outriggers out. It's not let's drive down the  
20                  road 20 feet wide. Many streets are only 15 to  
21                  16 feet to the edge. So, the 20 feet is a  
22                  firefighting standard when you have to put the  
23                  outriggers out. That's why it was made to be  
24                  20. It's not like you need 20 feet at the  
25                  corner. The truck is only 10 feet wide. We

1           have an 18-foot driveway, so he can drive from A  
2           to B and then go in the 20-foot zone and open up  
3           the outriggers, so I don't believe that is  
4           critical.

5           Q.       I guess the question is, if he wanted 20  
6           feet the full length, how would we accommodate that?

7           A.       We would have to either take the  
8           sidewalk away or slide the building over and make the  
9           exit lane instead of 12 feet make it 11 feet. Pick  
10          up a foot.

11          Q.       There is a way of accommodating.

12                   MR. ARIA: Those are material enough  
13           changes that I think you need to come back to  
14           the Board.

15                   THE WITNESS: That is a minor change,  
16           no?

17                   MR. ARIA: Moving the building is a  
18           minor change?

19                   THE WITNESS: Yeah, about a foot.

20                   MR. ARIA: Does the Board think that is  
21           a minor change?

22          Q.       It doesn't create any new variance?

23          A.       No. It's plenty of setback. If we had  
24           to slide the building that way one foot, I don't see  
25           there would be any change at all.

1           MR. STEINBERG: I don't want to beat a  
2           dead horse. It would be the Board's decision.

3           THE WITNESS: I believe it is a change.  
4           It's not significant.

5           MR. SCALISE: I think you are just going  
6           to run the risk of maybe coming back if the  
7           Fire Marshal says no. It's not a major domino  
8           effect. It think there is some, you know, when  
9           you start laying out, it may create items that  
10          we would like to see it. I think that is, you  
11          know, the bottom line.

12          MR. STEINBERG: We fully realize that we  
13          need the Fire Marshal's final approval before we  
14          can proceed in some manner. We were hoping to  
15          get everything else resolved and maybe approve  
16          subject to his final approval. And obviously,  
17          if he is going to make us move the building or  
18          anything like that we will have to come back.  
19          It's difficult.

20          MAYOR TUCCI: Can I ask a question? The  
21          garbage truck and the delivery truck and the  
22          fire truck all have to back out?

23          THE WITNESS: No. The garbage truck  
24          comes around the building.

25          MAYOR TUCCI: It can make it around?

1                   THE WITNESS: Yes, it can. The fire  
2 truck is much too big to make a turn.

3                   MAYOR TUCCI: The delivery truck?

4                   THE WITNESS: The delivery truck will go  
5 around the building, but the fire truck is a  
6 giant 48-foot long turn that cannot make a turn.

7                   MAYOR TUCCI: The delivery truck is a  
8 pretty big truck, too. Are they going to be  
9 able to make that turn?

10                  THE WITNESS: Yes, they can.

11                  MR. SCALISE: I thought we were going to  
12 the front handicap stall when we spoke.

13                  Q.        We are talking two different delivery  
14 trucks?

15                  A.        There is a small van.

16                  Q.        You're talking about the tractor trailer  
17 that comes once a week and delivers the major goods.  
18 You are speaking, just to clarify, you are speaking  
19 of every night they come with fresh doughnuts at  
20 three in the morning. We denoted that on the final  
21 site plan that the doughnut deliveries are going to  
22 be in the front of the store, in the early morning  
23 hours, and use the handicap space basically for that.

24                  MR. SCALISE: So here is a question  
25 that I have and it just happened to be I went

1 to Dunkin Donuts the other day and there was a  
2 tractor trailer in front of the parking lot.  
3 It almost, I'm exaggerating, it felt like it  
4 went from property-to-property. I am maybe  
5 overexaggerating.

6 In the new situation, that  
7 tractor trailer that is pretty long that is  
8 going to be able to do a U turn? In other  
9 words, that tractor trailer, because right now  
10 in this new design you can't come through. You  
11 can no longer do that. It was literally  
12 parallel with Broadway for, you know, towards  
13 the front of the street. So how does that get  
14 resolved?

15 THE WITNESS: What the Applicant is  
16 telling me is that he is aware of the  
17 difficulty of a large tractor trailer. And on  
18 other sites that we've designed, we've had  
19 the Dunkin delivery people commit to a box  
20 truck, like a 26-foot box truck which can  
21 easily come through at the site here.

22 So what he has just told me is that he  
23 was willing to commit that he would limit the  
24 deliveries to the box-truck style and not have  
25 a tractor-trailer, typical large truck on the

1 site ever. So that would help definitely.

2 MR. SCALISE: I don't think you could  
3 get it in there anyway.

4 THE WITNESS: I think he could. What  
5 the intent was, these spaces in the back,  
6 Spaces 8 through 14, when there is nobody here,  
7 he could use that area to make the turn larger.  
8 But the box truck is a much simpler way. The  
9 box truck would be able to tuck right in  
10 between the dumpster and do deliveries right at  
11 the back door. He would agree to limit the  
12 delivery size truck to a box truck and the  
13 morning delivery would be in the front of the  
14 store. The morning delivery would be to the  
15 front door, so as not to disturb the neighbors  
16 to the back.

17 MR. SCALISE: Right. Because that is  
18 the everyday delivery versus the once a week  
19 deliveries, which I think you said was  
20 Thursday?

21 THE WITNESS: The day of the delivery,  
22 yes, it would be once a week.

23 MR. SCALISE: It was, right?

24 MR. STEINBERG: I just remember it came  
25 at three in the morning.

1           MR. SCALISE: It just happened to be  
2           that day, when I was there, the tractor trailer  
3           was literally blocking. You couldn't see the  
4           store when you drove by it.

5           MR. STEINBERG: We are willing to  
6           stipulate the deliveries by box truck.

7           MR. IRENE: And if, in fact, the Board  
8           sees fit to grant the relief, it would be  
9           memorialized in the Deed restriction.

10          MR. MULLAN: One other technical  
11          question for the site planning. The entrance  
12          driveway that the fire truck and the delivery  
13          truck access the site, would it be possible for  
14          you to consider 10-foot radiuses at both sides  
15          of the driveway for the fire truck, if it does,  
16          in fact, have to enter the site and back out,  
17          rather than leave it rolling over the curb? It  
18          looks like it can fit 10-foot radiuses.

19          The Fire Marshal asked for 20 feet. I  
20          don't think 20 feet will fit, but it looks like  
21          we can at least increase the driveway apron  
22          geometry for 10-foot radius.

23          THE WITNESS: We can check with the  
24          County, if they will approve that. I have no  
25          problem making it as wide as we can. Yes, we

1 can do that.

2 MR. STEINBERG: Driveway 10-foot radius  
3 subject to Monmouth County Planning Board,  
4 okay.

5 A. Those are the major site changes that we  
6 have in the T&M letter.

7 Q. How about the sign?

8 MR. IRENE: Freestanding sign?

9 A. Freestanding sign. The pole is proposed  
10 to stay as it is. The location of the concrete and  
11 the pole can remain. It's 22-foot high, I think.  
12 When you drop the height at 16 feet and the area from  
13 82 to 58, so we want to shrink it down and lower it  
14 and the area will be smaller and the height will be  
15 lower.

16 MR. BRAY: Right. We had talked about  
17 potentially relocating that sign.

18 MR. SCALISE: To the west.

19 MR. BRAY: Right. I personally have a  
20 comment. Now, people are used to the sign  
21 being in that location where it is right now  
22 and this is going to be made smaller. I am  
23 wondering about the impact on the community  
24 relocating that versus people are used to it  
25 being in that location. So I don't know if you



1           can comment on that what your thought process  
2           was.

3           THE WITNESS: We think that it's been  
4           there, you know, for 20 or 30 years. We think  
5           it is a fixture in the neighborhood. Making it  
6           smaller, I don't see a negative.

7           MR. IRENE: Does its location conform?

8           THE WITNESS: Well, the pole locations,  
9           but the sign itself is not at the setback. If  
10          you measure from the edge of the sign to the  
11          right-of-way line, it is not.

12          MR. IRENE: What is the required  
13          setback?

14          THE WITNESS: I believe it's 20 feet.

15          MR. MULLAN: It is 20 feet. The  
16          setbacks by Ordinance read that the sign should  
17          be no closer than 20 feet to the street line,  
18          the right-of-way line. The base of the sign, if  
19          you scale it, is about 20 feet back from the  
20          right-of-way line, the street line, but the sign  
21          itself then extends, you know, off the base to  
22          the street again. And if you just scale it, and  
23          I'll defer to the site engineer, but it scales  
24          about 15 feet from the street line to the edge  
25          of the sign up in the air.

1           MR. IRENE:   How about the neighboring  
2           property, the residential property?

3           MR. MULLAN:   From the side property  
4           line, it scales, you know, it's right on the  
5           property line.   It is about a foot off the  
6           property line, but the Ordinance reads that  
7           there is a requirement of being 20 feet back  
8           from the side property line if that property  
9           line was the limit of an adjoining residential  
10          zone and I believe that the adjoining property  
11          is in the commercial zone, although there is an  
12          existing residential use on a commercially-zoned  
13          adjoining lot.

14          MR. IRENE:   And there is no requirement  
15          of the accessory sign to match the height of the  
16          accessory sign?

17          MR. MULLAN:   There is a height --  
18          maximum height on the sign itself.

19          MR. IRENE:   But the setback to match the  
20          height.

21          MR. MULLAN:   No.   There is no ratio  
22          criteria that way.

23          MR. STEINBERG:   We would respectfully  
24          submit that the location is sort of an  
25          indication of this site.   It's been there.

1           Should be there. Should remain. We heard your  
2           feelings about the current sign and we lowered  
3           it, which is not easier than removing it,  
4           because we are using the same pedestal and we  
5           narrowed it and we shrunk it, so it's about 60  
6           percent of what it was.

7                   THE WITNESS: It's about 60 percent?

8                   MR. STEINBERG: Sixty percent of what it  
9           was. Still slightly over your requirement. I  
10          don't want to testify, but we met there tonight  
11          and I drove down Broadway. There is a lot of  
12          other signs that are just as large that block  
13          the view of this sign. As you go down, all  
14          pre-existing older establishments, so I don't  
15          know if making it any smaller, smaller than we  
16          propose will prevent your view of it as you go,  
17          I guess, east down Broadway.

18                  MR. SCALISE: I think, at one point, we  
19          were moving it to the west, too, as just an  
20          option.

21                  MR. STEINBERG: You may have been  
22          talking about that, but we had proposed to leave  
23          where it was at the size and we heard you were  
24          concerned with the size and the height, so we --

25                  MR. BRAY: In that other bed, is that a

1 tree that you are putting there?

2 THE WITNESS: Yes.

3 MR. STEINBERG: We respectfully request  
4 that the sign be approved as reduced in its  
5 current location.

6 A. T&M letter?

7 Q. That would be the revised letter of  
8 January 13th. So on Page 2, which is the first  
9 comment page under, Engineer Review A1, lot coverage  
10 Subparagraph A, the new lot coverage went from 80 to  
11 87 percent slightly reduced from 87.8 percent. So  
12 adding the green strip in the back gave us about a  
13 percent less impervious coverage.

14 The existing lot is 96.4 percent. We  
15 still need a variance for that coverage. We've added  
16 a 5-foot buffer. The Ordinance requires a 25-foot  
17 buffer. We have a solid row of evergreen trees that  
18 are seven to eight feet tall in that area.

19 Q. And there is no way to put a 25-foot  
20 buffer?

21 A. No way to put a 25-foot buffer.

22 Q. The property could not be usable for  
23 this purpose?

24 A. The Ordinance requires a 20-foot  
25 driveway width and we show 18 with angled parking, so

1 we still need the variance for 18 feet. That is in  
2 the driveway.

3 Q. What are the length of our parking  
4 spaces?

5 A. Nine-by-18.

6 Q. That is the minimum --

7 A. That is the --

8 Q. -- on an angle?

9 A. That is the size of every space, except  
10 the handicap is eight feet wide.

11 MR. MULLAN: Could I add one comment to  
12 the prior topic, just as a point of reference?  
13 If a buffer of 25 feet was ever contemplated  
14 across the back of the property, just at a  
15 glance, it doesn't affect the building, doesn't  
16 affect the employee parking. It would,  
17 however, clearly overlap proposed parking  
18 Spaces 13 and 14 and shorten the drive lanes  
19 for the drive-through service lane and the  
20 bypass lane, so I just, I don't want to speed  
21 through the commentary that if you put a  
22 25-foot buffer across the back of the property  
23 of the site that it would not be developable.  
24 This would not be a viable property for the  
25 intended purpose. I just want to tie it back

1 to, do you remember offhand the number of  
2 proposed or required minimum number of parking  
3 spaces for the building footprint? Are there  
4 any surplus parking? Are you over the parking  
5 requirement?

6 THE WITNESS: If you exclude the outside  
7 spaces, we are over. The outside seating, we  
8 are over. If you include that, we are right on  
9 the money. We have three tables outside full.

10 MR. MULLAN: Okay. How many spaces does  
11 that trigger?

12 THE WITNESS: Probably at least three.

13 MR. MULLAN: So if the outside tables  
14 were eliminated from the application, you could  
15 eliminate two proposed parking spaces  
16 to accommodate a bigger buffer across the back  
17 of the property. I'm not suggesting that is  
18 all viable or warranted. I am pointing it out  
19 as a point of reference.

20 Q. I don't know what -- we didn't think of  
21 redesigning the drive through with less area either.  
22 We don't know.

23 A. The problem that we've created our  
24 stacking would go from eight spaces down to probably  
25 five spaces, so it becomes problematic having the

1 five spaces at the drive aisle. You need stacking,  
2 people waiting. We only had five. If the order  
3 window was pushed forward, you don't have the  
4 separation from the ordering to the pick-up window,  
5 so how would the timing work? That would take the  
6 drive option, you know, if we had a 25-foot buffer.  
7 I don't believe we could do that.

8 MR. MULLAN: I think that is fair. I  
9 think it would also squeeze the site for the  
10 space where the dumpster has been relocated  
11 more to the center of the site. But again, I'm  
12 not suggesting those are hard issues from our  
13 site plan perspective. I wanted to point it  
14 out as a point of reference.

15 MR. SCALISE: Fran, does it help a  
16 little bit that the properties in the back are  
17 about 18 inches up from the parking itself?  
18 Does that like help us?

19 MR. MULLAN: It doesn't hurt. I think  
20 it does help the vertical a foot-and-a-half or  
21 two-foot vertical difference will put the  
22 headlights of the cars on this site lower than  
23 the properties.

24 MR. MILLER: Exists.

25 MR. MULLAN: Which is usually a benefit.

1           Some landscaping and the new fence, solid fence  
2           is going to help with the headlights. It  
3           certainly allows the drainage from the  
4           residential properties onto this site. It  
5           lends itself to the flow of the water in that  
6           direction versus the opposite. So there are  
7           some basic benefits to that scenario versus  
8           having this site higher than the residences in  
9           the back, none of which they are changing.  
10          That is an existing condition that will remain  
11          essentially unchanged.

12          A.          Comment D, the architect spoke about the  
13          facade signs. We still have less than 10 percent of  
14          the --

15          Q.          Yeah, I believe that the variance we  
16          need is for the number of signs?

17          A.          Number of signs.

18          Q.          Not for the size of the signs, if you  
19          want to add them up.

20                      MR. ARIA: I think we just went from B  
21                      to D. I have a question regarding C, if you  
22                      don't mind going back?

23                      THE WITNESS: Sure.

24                      MR. ARIA: Plan provide a 20-foot egress  
25                      driveway, however a variance still require to



1           be 18-foot ingress driveway. If the fire  
2           engine is going to be using ingress driveway,  
3           I'm just curious as to why you didn't do it the  
4           other way and move the building two feet over  
5           and have 18-foot egress and a 20-foot ingress.

6                   THE WITNESS: We need the 18 foot for  
7           two, 10-foot lanes, left turn, right turn to  
8           exit the site.

9                   MR. ARIA: Okay?

10                   THE WITNESS: That is the 20 feet  
11           egress. That is why we did it that way.

12                   MR. ARIA: Okay. Is that the minimum  
13           you need to have the left and right-turn lanes?

14                   THE WITNESS: That is the minimum.

15           A.       D and E talks about, the architect talk  
16           about D and E. F, we mentioned they are 31.3 feet to  
17           the front setback of the new building. It's about  
18           five feet closer than the original. A variance is  
19           required for that.

20           Q.       That is with regards to move the  
21           building forward in order to get the buffer?

22           A.       That is correct. Move the building  
23           forward five feet to get the five-foot buffer in the  
24           back. Freestanding sign, we are going to modify  
25           that. We spoke about the sign. There is a fence

1 proposed along the east side of the property. We are  
2 proposing to run the fence to the front of the  
3 neighbors. I thought that was the direction we  
4 received at the last hearing, but being at the front  
5 of that home puts us at the front of that setback by  
6 about four feet, so we need a variance into that  
7 slight intrusion into the front yard. If not, we  
8 will pull the fence back to the setback line or lower  
9 the fence. It dimensions three feet.

10 Q. You ask that fence be painted grey?

11 A. Yeah.

12 Q. To match the building?

13 A. Yeah, the color will be matching the  
14 building. I was talking about the location.

15 Q. It's shown on the plans as a note?

16 A. Yes, it is. To match the color.

17 MR. MULLAN: The material for all of  
18 proposed fences is what, again?

19 THE WITNESS: So we changed the material  
20 from vinyl to solid wood. It is a cedar fence.  
21 Solid fence. There is a detail in the detail.

22 MR. MULLAN: All of the elements of the  
23 fence will be cedar.

24 THE WITNESS: Right. Post, rails and  
25 the pickets. And it is a six-foot high fence.

1           And the good side is facing the neighbor. So  
2           we have, on our side, we see the post and we  
3           see the rails. That is what is proposed. Page  
4           4, continuing Comment 1.2, our lot area is  
5           8,000. Zone requires 22,500. It is a  
6           continuing comment, but an existing condition  
7           of non-conformity.

8                       Likewise, the width is only 100 feet and  
9           the zone requires 150. Those are existing  
10          conditions and have existed for since this site  
11          became a Dunkin Donuts in the '60s, if I am not  
12          mistaken, 1960 about, give or take. It's going  
13          on 60 years of being a Dunkin Donuts. Broadway  
14          is a County road, you know, you mentioned that  
15          the County has seen the revised plan with the  
16          left and right exiting movement. The staff has  
17          no problem with it. It's going to go back to  
18          the Board for their vote.

19                       (Mr. Miller enters the room.)

20          A.          Subject to the County Planning Board  
21          approving of that as well as revised plans showing  
22          the increased radius of the entrance for the 10-foot  
23          radius that was requested by the Engineer. We are  
24          reconstructing the sidewalk and curb across the whole  
25          frontage, new curb and new sidewalk and new apron.

1 It would all meet the ADA code and we plan to reuse  
2 all existing utility connections. Only change that  
3 we are going to go underground with the electric  
4 service which is now overhead to the building. We  
5 are going to bury the electric phone, cable, wires  
6 underground from the street into the building so  
7 there won't be any overhead wires into the building.

8 The original plan was submitted has 19  
9 parking spaces and now we are down to 18. Three  
10 employee, one handicap and --

11 MR. IRENE: Does that conform?

12 THE WITNESS: It conforms to the code.

13 MR. IRENE: Thank you.

14 A. The six-foot vinyl fence was changed to  
15 the six-foot wood fence. The site is almost 100  
16 percent blacktop pavement right now. We are planning  
17 to cut out areas where the grey is shown in the for  
18 landscaping and the areas to be disturbed. Most of  
19 the site will be overlaid by several inches of new  
20 blacktop, so we are going to go on top of what's  
21 there with the new surface. In areas where it's not  
22 a full, we are going to mill out where there is old  
23 pavement to give us the right depth. Areas where the  
24 building is too deep, we are going to put in base as  
25 well as top, so we have a solid base.

1                   The trash collection area was moved from  
2 the back corner to the center of the site behind the  
3 store. The last sheet of plans, I think it's Sheet  
4 No. 9 shows the garbage truck turning template that  
5 comes in, back out, pull forward and goes around the  
6 site. That is another comment further in the  
7 application. We will get to that.

8                   Three point five, 3.6 was addressed.  
9 Mr. Rea will talk about 3.7 traffic. It was  
10 testimony at the last hearing, I believe, that when  
11 the garbage is scheduled to come on its scheduled  
12 date and time, the owner will direct the employees  
13 not to be in the way of the truck. So during the  
14 off-peak hours, when these spaces are not going to be  
15 full of cars, there will be ample room for the three  
16 or four cars to move out of the way for the trash  
17 truck to be there for five minutes and gone for  
18 another week and then come back. That will be  
19 coordinated with the owner applicant.

20                   The outdoor seating area is proposed  
21 three tables. We have a metal fence between the  
22 drive exit and the patio area to keep people in cars  
23 separated. There is also a curb, a curb at that  
24 point.

25                   MR. MULLAN: So just for clarification,

1           the proposal includes three separate tables  
2           with two seats at each table?

3                   THE WITNESS: That is correct. And they  
4           may have umbrellas. I'm not sure yet.

5           A.       We will be replacing all curb and  
6           sidewalk that might be damaged as a result of this  
7           construction. Primarily, at the front of the site,  
8           which will be any off-site pieces that will be  
9           repaired as well. 3.11 fire issue, we can't speak  
10          about that until we get our Fire Marshal letter and  
11          we can speak about it with him.

12                   Comment 3.12, 3.13 is the early morning  
13          delivery we spoke about. Parking that small van-type  
14          truck in Parking Space 15 in the front at like three  
15          or four in the morning when they show up. We use the  
16          front door for delivery.

17                   The 3.14 is the turning template. I.  
18          notice the comment says the conflict between the  
19          truck and the curb. The conflict is the overhang of  
20          the bumper. It's not the wheels. I don't think it  
21          is a conflict on that template. It is the overhang  
22          on the truck itself. Passes over the top of the curb  
23          line. The wheel does not hit the curb line.

24                   MR. MULLAN: So no area, you are  
25          proposing in no case do the wheels of the

1           vehicle roll over the proposed curb alignment?

2           THE WITNESS:   Correct.

3           MR. MULLAN:   Okay.

4           A.           Three point nineteen, we are proposing a  
5   timber guardrail along the westerly property line and  
6   not a fence.   We believe a split rail or a  
7   post-and-rail fence is not a durable commodity.   We  
8   think it's going to last, I don't know, five years  
9   and need repair.   People will sit on it and drink  
10   coffee.   We don't think it's aesthetically as nice as  
11   a solid low, wooden timber guardrail.   The purpose of  
12   that is to keep the cars from this site from going  
13   onto the neighbor's site.

14                       Right now, people are driving through  
15   the neighbor's property over concrete bumpers.   They  
16   don't really care that it is the concrete bumper.  
17   They will drive across it.   Although it is a  
18   deterrent, I think the timber guardrail is a much  
19   sturdier.

20           Q.           We originally proposed bollards?

21           A.           There would be so many of them it would  
22   be unsightly.   These were 28-inch high 6-by-8.

23                       MR. BRAY:   Have you considered a fence  
24   similar on the other side?

25                       MR. MULLAN:   Could I also just expand on

1           that? I would accept this was a prior  
2           discussion about bollards. I don't think the  
3           bollards are suitable for the location, from an  
4           aesthetic and from a site planning perspective,  
5           but I do think that the guide rail, a timber  
6           guide rail, it would be effective. Vehicles  
7           will not drive through it for sure, but I would  
8           just open the conversation a little more, the  
9           dialog to considering, you know, pinned in  
10          place concrete wheel stops backed up by, you  
11          know, maybe the same fence, but to maybe avoid  
12          a little bit of the starkness of three sides of  
13          the property with a full six-foot  
14          board-on-board fence, perhaps you have the same  
15          cedar material with a scalloped top that is,  
16          you know, three, four five feet high that just  
17          has more aesthetic or architectural feel to it  
18          to scale it down because I don't believe that  
19          if there is a concrete wheel stop backed up by  
20          a solid fence, a cedar fence that is four or  
21          five-feet high with a scalloped decorative top,  
22          I don't believe any vehicles are going to drive  
23          through that intentionally to shortcut their  
24          way off-site.

25                 I am just a little concerned about the



1           guide rail element in this particular setting,  
2           but it's not really an engineering or traffic  
3           safety issue. It's more of a site aesthetics  
4           and a Board preference issue.

5           Q.           I thought we were getting rid of the  
6 wheel stops.

7           A.           We are.

8                       MR. MULLAN: Look, I also suggested a  
9           solid concrete curb along that location would  
10          be completely effective from holding vehicles  
11          back from driving forward, so I think a white  
12          concrete curb with a scaled-down fence height  
13          would be a completely suitable application  
14          along this property line, but I think concrete  
15          wheel stops could be effective, if it's backed  
16          up by a fence if you were inclined to prefer  
17          concrete wheel stops over a solid concrete  
18          curb.

19                      So, in all of that, my suggestion is to  
20          consider a typical curb with a cedar fence of  
21          the same style and materials, but perhaps a  
22          lower height than the other side of the  
23          property for consideration.

24                      MR. STEINBERG: What height would you  
25          recommend? When you start getting four to five

1 feet high.

2 MR. MULLAN: For me -- I think it is an  
3 aesthetic visual preference thing, but for me,  
4 if it was a scalloped top, that scalloped down  
5 between posts, if it's 4 feet at the post or  
6 4-and-a-half at the post and 3 or 3-and-a-half  
7 feet at the midpoint between the posts, I think  
8 that would be appropriate.

9 THE WITNESS: The Applicant says he  
10 would agree to that, a scalloped.

11 Q. Pinned-in buffer curbs with a matching  
12 cedar fence to be scalloped?

13 A. Three feet.

14 MR. BRAY: It's up to the Engineer to  
15 the curb or the pinned-in is acceptable.

16 MR. MULLAN: In my view, I think,  
17 because one of the elements along this property  
18 line is a stone, a decorative stone swale and I  
19 will ask the Engineer to describe the grading  
20 and the pitch of the new pavement is the intent  
21 to have it gently pitched away from the  
22 building into the property towards the property  
23 line into this river gravel swale between the  
24 properties. And if you put concrete wheel  
25 stops in it will easily let all of that water

1           not have to concentrate in any one place. It  
2           will just sheet flow across into this swale and  
3           be handled accordingly, if that is your intent.

4           A.           The intent is to -- back up a second.  
5   The slope today is from the center to the side. So  
6   today, the water flows off the site along the  
7   property line and out to the Broadway. The intent is  
8   to maintain that flow and take three feet of the  
9   pavement away and replace it with three feet of  
10  decorative river gravel to absorb some of that  
11  runoff. Whatever doesn't get absorbed will continue  
12  where it goes today and the wheel stops will allow it  
13  to go back to that same direction.

14                   A solid curb would force all of the  
15  water to a point and the grading is not significant  
16  from south to north. It's better flowing from east  
17  to west to maintain the present slope.

18                   MR. MULLAN: Earlier, you indicated you  
19           are going to overlay the existing pavement, so  
20           you are going to raise the pavement surface an  
21           inch and a half or two inches. The river stone  
22           or river gravel is going to be about three feet  
23           wide. You think would the stone be? Six,  
24           eight, ten inches?

25                   THE WITNESS: Something to that nature.

1           It's on the detail sheet.

2           MR. MULLAN: That will be basically  
3 slightly depressed, so the water coming off of  
4 your new pavement will fall into this stone,  
5 some of it will naturally want to recharge and  
6 percolate into the subsoils below. Anything  
7 that overflows the stone is going to be  
8 directed out toward the street and not onto the  
9 adjacent property; is that correct?

10          THE WITNESS: Well, right now, it goes  
11 onto the adjacent property. The intent is to  
12 put this stone in that three-foot section, so  
13 that some of that water will not reach which it  
14 does today. Whatever reaches the property, the  
15 bottom of that stone will be lower than the  
16 pavement, so it's not going to be riding on top  
17 of the stone. It's riding on the bottom of the  
18 stone, so it will be less visual.

19          MR. MULLAN: But when the stone fills up  
20 with water during a heavier rain event.

21          THE WITNESS: It will come out on the  
22 street.

23          MR. MULLAN: As the stone fills up with  
24 water, it is going to flow towards the street?

25          THE WITNESS: It will still flow towards

1 the street.

2 MR. MULLAN: That is how it works now.

3 THE WITNESS: That is how it works right  
4 now.

5 MR. MULLAN: So I am satisfied with the  
6 stone swale element based on their proposal.

7 Q. And the bumper -- pinned concrete wheel  
8 stops and a fence with a three feet swale? The fence  
9 will come up to where?

10 A. The first parking space.

11 Q. The first parking space.

12 A. Space Number 1 will have a fence.

13 Q. Is there a height maximum in the front  
14 yard for a fence?

15 MR. MILLER: Three feet high?

16 MR. STEINBERG: We are going to be four.

17 MR. BRAY: Same type of variance as the  
18 other side?

19 MR. STEINBERG: Six foot. This one  
20 would have a 4-foot maximum. I guess the end  
21 would be the post.

22 MR. MULLAN: Very de minimis  
23 encroachment of something like three or four  
24 feet that a variance of that nature would be  
25 not something we would object to from a site

1           plan perspective.

2           Q.           That is another variance that we need.

3           A.           The next comment we will talk about is  
4   Page 9, 4.3. We have proposed to connect the roof  
5   liters to an eight-inch drain and that drain will  
6   have four pop-up heads which will discharge the roof  
7   water in the landscaped areas prior to reaching  
8   Broadway. So we thought by doing that -- right now,  
9   it's all pavement. When it rains, it runs right out  
10   to the street. We thought by putting the pop-ups in  
11   the landscape beds, it would help a little bit with  
12   the plant material that is there as well as  
13   infiltrate slightly into the ground, so the roof area  
14   is less than the present building, so there will be  
15   less roof runoff of this site. The comment was about  
16   icing.

17                   THE WITNESS: Fran, you mentioned the  
18           icing potential. That is there today. I think  
19           we have less impervious. We have less icing  
20           potential overall. And he does have  
21           responsibility, as the owner and operator, to  
22           maintain safe sidewalks, salt the sidewalks.  
23           He is responsible to maintain the safe ingress  
24           and egress of the building and he will take  
25           care of that as he does. He will salt in

1           subfreezing weather, but I think adding those,  
2           rather than just having the roof discharge from  
3           the driveway trying to get some of that water  
4           into the ground. Do you agree, Fran?

5           MR. MULLAN: Can you just indicate on  
6           the plan where the pop-ups are just so the  
7           Board has an idea where they are going to  
8           physically be located in these landscaped beds?

9           THE WITNESS: Yeah, they are about five  
10          or six feet back of the curb, I believe.

11          MR. MULLAN: But there is three of them  
12          and they are proposed in the landscape bed.

13          THE WITNESS: I believe there are four.

14          MR. MULLAN: Yeah, I see four. Pop-up  
15          emitter. They are on Sheet 4 of 9.

16          THE WITNESS: There are four shown.  
17          They are at the same elevation, so they will  
18          function at the same height.

19          MR. MULLAN: All right. My concern  
20          about the icing is not as urgent. As long as  
21          they are in the landscaping beds, if they are  
22          snow or ice covered or emitting water during  
23          freezing temperatures, most of it is going to  
24          pull up in the landscaping areas, perhaps  
25          continue to flow toward the street so that is

1 not a big concern.

2 A. The lighting plan -- let's see.

3 Landscaping and Lighting, 4.4 is grading and the  
4 swale to the light. Landscaping and Lighting  
5 comments, we have a solid row of seven to eight-foot  
6 high arborvitae along the back line. We also add a  
7 few extra in the back corner. There was a comment  
8 last time, if we could, and I think we have four or  
9 five trees added to that inside radius. We've added  
10 six-foot high plants around the dumpster enclosure.  
11 We've added a note. The Applicant has indicated he  
12 will be installing Comment 5.4.

13 The lighting plan has been revised to  
14 reflect driveway alignment and the lighting plan  
15 shows there is no spillage proposed from the LED  
16 lights beyond the property boundary that exceeds the  
17 Ordinance requirement.

18 MR. MULLAN: Just for everybody's  
19 awareness, could you point out where the two or  
20 three pole-mounted lights are located on the  
21 Site Plan? I think there is two along the  
22 entrance drive and one out near the sidewalk  
23 along the road or on the left side of the  
24 entrance driveway.

25 THE WITNESS: Right, so there is one



1 pole by the sidewalk at the front of the  
2 building that shines towards the building.  
3 There is two poles on the west side of the  
4 building that light up the parking area. There  
5 is a pole near the menu board that lights up  
6 this portion.

7 Q. And can you tell us what the height of  
8 each is, if there is any difference in height?

9 A. The mounting heights are all of the  
10 same. I believe they are 14 feet high mounting  
11 height, so 14 feet to the light from the ground.

12 (James Miller exits.)

13 A. There are also canopy lights under the  
14 canopy, down lights along the building, but the  
15 overall footcandle does not exceed the property  
16 boundary. It does not exceed point five out of the  
17 boundary.

18 MR. IRENE: Limitation of the operation  
19 of the lights in the parking area? The lights  
20 were going to go off 11 p.m., other than  
21 security lighting?

22 THE WITNESS: Yeah, the Applicant agreed  
23 to that, if I recall.

24 MR. IRENE: So it's going to be on a  
25 timer.

1 MR. STEINBERG: Yes.

2 THE WITNESS: It will be on a timer,  
3 yes.

4 MR. IRENE: And the signage? The  
5 lighting for the signs?

6 MR. STEINBERG: I think they said they  
7 would be off by 12, I believe.

8 THE WITNESS: Nothing has changed,  
9 right.

10 MR. STEINBERG: That is what I recall.  
11 Do you recall?

12 THE WITNESS: I don't have that.

13 MR. IRENE: The signs illuminated on a  
14 timer from 4 a.m. to 7 a.m. and dusk to  
15 midnight, same?

16 MR. STEINBERG: Yeah, no change to that.

17 MR. IRENE: Thank you.

18 Q. Again, the timer that they would come  
19 off at 11:00 in the morning, too, same way.

20 A. Comment 6, General Comments, we  
21 addressed 6.62. The schedule of the collection will  
22 be as required by the Applicant. Typically, twice a  
23 week. Is it once a week or twice a week? Once a  
24 week. If it does need more, the truck will come more  
25 than once.

1 Q. Sufficient for the trash recycling?

2 A. Yes, there are two dumpsters within the  
3 masonry enclosure. The architect testified, at the  
4 earlier hearing, about the screened-in rooftop  
5 mechanical equipment. That is still on the plan.  
6 Comment 6.8 was on the front sheet, Fran. The County  
7 Planning Board Soil Erosion and the West Long Branch  
8 Board, that is the requirement. Also, there is a  
9 note on the cover sheet 6.9 that states that there  
10 are no existing easements. That is the T&M letter.

11 So basically, the issue we agreed to the  
12 fence will be scalloped top with the pinned-in bumper  
13 blocks along the west edge, solid fence six-foot high  
14 slightly into the front yard on both ends, east and  
15 west side of the street. Lighting levels have been  
16 reduced down to be within the site three inches  
17 slightly less because we have a less impervious.

18 MR. IRENE: Excuse me, was there some  
19 issue last time with the fence on the eastern  
20 property line that it now jogs out at the rear,  
21 so they can get into the house or the cottage  
22 in the back?

23 MR. STEINBERG: That is the neighbor.  
24 He is here tonight. That is why we searched  
25 adjacent property to see if there is any

1 easements or anything existing for that. He is  
2 here tonight. We have the situation is that  
3 the end of his garage is one foot from his  
4 property line and there are rental units in the  
5 back of his garage, so currently those tenants  
6 would have to walk around the side of his  
7 garage to get into the rear of the property.  
8 And that is why for some reasons over the years  
9 that fence has been jogged out.

10 MR. IRENE: Well, that is your fence,  
11 right? Not his.

12 MR. STEINBERG: That is our fence.

13 MR. IRENE: That fence is to  
14 accommodate.

15 MR. STEINBERG: By prior owners. He  
16 says 20 some-odd years. We have spoken to him  
17 tonight. He is here. He is going to get us  
18 some estimates for chopping off part of that  
19 garage or using that garage as an entranceway  
20 into the rear by putting doors on either side  
21 and we are going to see if we can either  
22 Dunkin corporate or my client can help him  
23 financially to do that. That situation can be  
24 eliminated. But he has no legal right, unless  
25 he pursues it through some other means to use

1           our property.

2                   MR. IRENE: Well, we don't know. I  
3           don't know. You can certainly assert that  
4           position. He may assert another position. If  
5           that jog has been there since the time of Moses  
6           then he may have acquired rights and presumably  
7           it was jogged for some reason. It's not his  
8           fence. He didn't put the jog in the fence.

9                   MR. STEINBERG: I understand that.  
10          There is nothing, as I said, in the recorded  
11          fashion and nothing in the written agreement  
12          fashion. If he pursues that through a Court,  
13          he has the right to do that. We discussed  
14          that. He is going to incur some costs. He is  
15          going to get some estimates taking off that  
16          five feet that almost comes to the property  
17          line, so his tenants will be able to freely go  
18          to the rear of the property and get into their  
19          unit.

20                   MR. IRENE: And if you guys can't  
21          resolve that?

22                   MR. STEINBERG: I don't know.

23                   MR. IRENE: I don't know if it's going  
24          to be concluded tonight anyway. If it were,  
25          that is just dangling right now. You are going

1 to eliminate that jog so the fence runs right  
2 along the property line, as I look at the plan?

3 MR. STEINBERG: Correct.

4 MR. IRENE: That could create some issue  
5 for him. That issue doesn't exist now. There  
6 is no stipulation on that, other than you are  
7 going to talk some more.

8 MR. STEINBERG: We met night before the  
9 meeting and he is going to get some estimates.  
10 We told him we will address Dunkin corporate,  
11 et cetera. Now, I don't know where, and the  
12 gentleman is here tonight, he said he had some  
13 agreement with some of the prior people that  
14 were there. The problem is that my client  
15 leases from Dunkin who leases from, I believe,  
16 it's Saratoga-something or another, that is an  
17 LLC that owns the property. There is nothing  
18 of record in writing that we've explored that  
19 and we know that doesn't exist. We are going  
20 to try our best to accommodate him. And, to  
21 our advantage, eliminate a problem that could  
22 become a problem for us in the future.

23 MR. IRENE: If it is not resolved  
24 tonight, there will be more time for them to  
25 come back, if it's not concluded tonight. We

1           can see where they stand tonight, if it's not  
2           concluded.

3                     MR. ARIA:   Is that residential units?

4                     MR. STEINBERG:   Yes, I believe so.  I  
5           think there is a front house and two units in  
6           the back, one of which is accessible and one of  
7           which you have to go around the building.

8                     MR. ARIA:   Okay.  The only way around  
9           the building is to the west side.

10                    MR. STEINBERG:  Unless you can squeeze  
11           in between one foot and our building.  They've  
12           used part of our property to go around the edge  
13           of the garage.

14                    MR. IRENE:   So essentially, that portion  
15           of the fence, that fence is recessed or set  
16           back further within your property.

17                    MR. STEINBERG:  Currently.

18                    MR. IRENE:   And the remainder of your  
19           fence that runs along the property line, it  
20           jogs in?

21                    MR. STEINBERG:  Yes.

22                    MR. IRENE:   As far as we know, that's  
23           been there.

24                    MR. MULLAN:   That is shown on existing  
25           conditions map.

1                   MR. STEINBERG: We feel that we could  
2                   work it out. As I said, we want to make sure  
3                   we can accommodate the neighbor, so that  
4                   doesn't rise up to be a legal problem in the  
5                   future. He is here, if anybody wants to say  
6                   anything to him. A neighbor to the east -- the  
7                   neighbor to the west had approached us with an  
8                   attorney and he was only concerned with having  
9                   some of fence along the western property line  
10                  to avoid the cars that just decide to go that  
11                  way out and not take the bypass lane or  
12                  whatever we have now.

13                 I had sent him the original plan for the  
14                 bollards -- his attorney. I had then sent him  
15                 the current plan which includes the guardrail  
16                 fence and I will advise him that we are going  
17                 to put up a fence. He was only concerned that  
18                 a fence be put up so the cars don't come  
19                 across. I don't believe he is here tonight. I  
20                 don't think so.

21                 I can represent they were concerned that  
22                 some sort of boundary or some sort of blockage,  
23                 so that those cars don't go that way. I think  
24                 a four-foot fence, not many people are going to  
25                 go through that. Currently, there is nothing



1           there now besides bumper stops. There will be  
2           a visual barrier here that satisfies the  
3           neighbor to the west. The neighbor to the east  
4           is here.

5                   MR. MULLAN: Mr. Chairman, while we are  
6           talking about the existing conditions and a  
7           little bit of the before and after, can I ask  
8           two or three questions about the existing  
9           element?

10                   MR. ARIA: Absolutely.

11                   MR. MULLAN: Sheet 2 of 9. Point a few  
12           things out for the Board, but behind the  
13           existing building where the homes abut the  
14           property to the rear, I just want to point out,  
15           ask the Engineer to show us where the existing  
16           light bases are shown on the plan. And  
17           essentially, there is two along the rear  
18           property line. They are scheduled to be  
19           removed. I just want to make sure that is part  
20           of their plan. They also have an existing  
21           block wall quote, unquote to be removed. And  
22           that the grading, landscaping, five-foot  
23           landscaping buffer and any landscaping ties or  
24           block walls that you may need or planting bed  
25           edging you envision your grading plan will not

1           disrupt the neighboring property.

2           THE WITNESS: That is correct. We have  
3           a six-inch curb and the grade will go down from  
4           the fence to the curb.

5           MR. MULLAN: There are no concerns about  
6           eliminating the existing block wall and  
7           disrupting the adjoining residential properties  
8           at all?

9           THE WITNESS: The wall is only 8  
10          inches, 10 inches high. It's not a high wall.

11          MR. MULLAN: And the existing light  
12          poles and/or bases are going to be removed?

13          THE WITNESS: All existing bases to be  
14          removed.

15          MR. MULLAN: One at the rear of each  
16          of the corners and a shed and that is to be  
17          removed?

18          THE WITNESS: All to be removed.

19          MR. MULLAN: That is really it. I just  
20          wanted to defer to those items.

21          MR. ARIA: Any other questions for the  
22          Engineer?

23          MR. STEINBERG: I am going to call the  
24          Engineer back and he will put on his Planner's  
25          hat after the traffic testimony. Engineering

1           questions and we will get to his Planner's  
2           testimony at the conclusion of our case.

3           MR. ARIA:   Any questions of the Engineer  
4           from the audience?.

5           MS. DOREMUS:   21 Heiel Avenue.   The back  
6           fence, are you going to remove it?   I just put a  
7           brand new fence up.

8           THE WITNESS:   I believe that is your  
9           fence.   Unfortunately, we have a fence-to-fence.  
10          We will have our fence.   You will have your  
11          fence.

12          MR. ARIA:   Do you have a traffic  
13          witness?   Before we get to that person, could we  
14          take a five-minute break?

15          (Whereupon there is a five-minute break  
16          at 8:57 p.m.)

17          MR. ARIA:   Roll call?

18          MS. DEGENARO:   Mayor Tucci?

19          MAYOR TUCCI:   Here.

20          MS. DEGENARO:   John Aria?

21          MR. ARIA:   Here.

22          MS. DEGENARO:   Sarah O'Neill?

23          MS. O'NEILL:   Here.

24          MS. DEGENARO:   Stephen Bray?

25          MR. BRAY:   Here.

1 MS. DEGENARO: Gordon Heggie?

2 MR. HEGGIE: Here.

3 MS. DEGENARO: Randy Triolo?

4 MR. TRIOLO: Here.

5 MS. DEGENARO: Antonio Scalise?

6 MR. SCALISE: Here.

7 MAYOR TUCCI: Mr. Miller left. He  
8 didn't feel well.

9 MS. DEGENARO: Don Brocklebank?

10 MR. BROCKLEBANK: Here.

11 MS. DEGENARO: Christine Haney?

12 MS. HANEY: Here.

13 MS. DEGENARO: Rob Ferragina?

14 MR. FERRAGINA: Here.

15 MR. ARIA: Mr. Steinberg, it is 9:11  
16 right now. We are getting close to our ending  
17 time. I know you have a traffic expert. And  
18 when I asked you before if the Fire Official is  
19 not happy with the amount of ingress space what  
20 you would you do and you alluded you would move  
21 the building a foot and shrink some other areas,  
22 I think that would probably require new  
23 testimony from your traffic expert at that  
24 point.

25 MS. O'NEILL: Yes.

1           MR. ARIA: So my feeling is, we are kind  
2 of wasting our time listening to your traffic  
3 expert right now.

4           MR. STEINBERG: Let's back up one  
5 second.

6           MR. ARIA: In addition to that, I think  
7 you have an issue to work out with your neighbor  
8 to the east and carrying to another meeting,  
9 which is probably going to happen anyway, gives  
10 you an opportunity to work that issue out also.

11          MR. STEINBERG: When is the next  
12 meeting?

13          MR. ARIA: Do we have the dates?

14          MR. ARIA: The next meeting is February  
15 11th.

16          MR. ARIA: Chris Ann, do we have  
17 anything?

18          MR. STEINBERG: Our traffic engineer is  
19 basically for the traffic on Broadway and the  
20 traffic that comes to the site and not the  
21 circulation. Our circulation will be testified  
22 to by our onsite. Mr. Rea has a conflict and is  
23 not available on February 11. I would prefer if  
24 the Board would approve let Mr. Rea put his  
25 traffic testimony on and we will adjourn to

1 February 11 and hopefully the Fire Marshal would  
2 be resolved or we come in with the changes and  
3 see if the neighbor. If I could put on Mr. Rea  
4 tonight then we can conclude that part of the  
5 traffic. As I said, onsite circulation is not  
6 going to be his testimony tonight.

7 MR. IRENE: It is a permitted use. I'm  
8 sorry. I didn't mean to interrupt you.

9 MR. STEINBERG: Well, there was traffic  
10 issues that were raised. He is testifying.

11 MR. IRENE: I was just curious. It is a  
12 conditional permitted use in the zone, right, so  
13 generally, it is the onsite issues that are the  
14 key, otherwise it shouldn't be there at all. I  
15 don't want to preclude Mr. Steinberg putting  
16 what he wants.

17 MR. ARIA: Mr. Rea indicated he is going  
18 to be five minutes. Off-site issues. Probably  
19 will be five minutes.

20 MR. STEINBERG: It's never five minutes.  
21 We will be as brief as we can. At his  
22 conclusion, we will take our chances, if he has  
23 to come back at another time. On February 11,  
24 we will have our engineer. I don't think we can  
25 get an architect.

1                   MR. ARIA: One other issue we had that  
2                   an applicant request some time tonight and what  
3                   I told her was if she wanted to come tonight she  
4                   would be after you and take her chances. If she  
5                   wanted to wait until February, she would be  
6                   first. You will not be first in February.  
7                   Someone will be ahead of you.

8                   MR. STEINBERG: It is fine. If I could  
9                   call Mr. Rea?

10                   (Whereupon John Rea, P.E., sworn.)

11                   DIRECT EXAMINATION BY MR. STEINBERG:

12                   Q.           Your full name?

13                   A.           John Rea, Professional Engineer with  
14                   McDonough and Rea Associates. I've testified before  
15                   this Board, the Zoning Board. Both before. Done a  
16                   lot of work for the University. I've testified in  
17                   West Long Branch before as a traffic expert.

18                   MR. IRENE: Mr. Rea is licensed in New  
19                   Jersey since?

20                   THE WITNESS: 1984.

21                   MR. ARIA: Does anyone have any reason  
22                   to not accept the credentials? Thank you.

23                   Q.           You've done a traffic study on the site?

24                   A.           I did.

25                   Q.           You submitted that document. It's dated

1 June 11th 2019. I will go through it as succinctly  
2 as I can. I don't want to overlap areas that Mr.  
3 DiFolco testified on. Essentially, we've done a lot  
4 of traffic studies for Dunkin restaurants. As Board  
5 Members may know, a lot of these Dunkin Donut  
6 restaurants are trying to get the drive-through  
7 windows constructed. Sometimes, we retrofit the  
8 buildings. In this case, we are taking a building  
9 down and putting up a new building, which is  
10 substantially smaller than the existing building,  
11 which is over 2,800 square feet. The new building is  
12 a little bit under 2,100 square feet, but it allows  
13 us to fit the drive-through lane in.

14 We went out. We did peak-hour traffic  
15 counts in the morning at the existing Dunkin  
16 restaurant. Currently, the site is generating,  
17 approximately, 90 customers during the morning peak  
18 hour. That would mean 90 customers coming onto the  
19 site in their car. Ninety customers going off the  
20 site. That is generally the traffic pattern and the  
21 numbers that the current site is generating. With  
22 the addition of the drive-through window, we expect a  
23 10 to 15 percent increase in traffic. That's been  
24 our experience. And I double checked that number by  
25 taking the square footage of the building and the



1 drive-through window and putting into it DOT traffic  
2 generation system. The numbers came out the same,  
3 about a 15 percent increase over what we are  
4 currently generating, so we are probably going to go  
5 from about 90 customers an hour up to about 100 or  
6 105 customers an hour with the drive-through window,  
7 if this gets approved and gets built. There is a  
8 signalized intersection just to our west at Oceanport  
9 Avenue. It kind of meters the traffic flow through  
10 the area. We did our morning peak-hour traffic  
11 counts and we calculated the Level of Service for the  
12 driveway connection to Broadway, which is a County  
13 road, and the County will be looking at my traffic  
14 study as well, too.

15                   And based on the split of traffic that's  
16 entering and exiting the site, just to give you some  
17 numbers, on the left and right turns, the right turn  
18 in and the right turn out represent about two-thirds  
19 of traffic flow onto and off of the site. The left  
20 turns in and the left turns out represent about  
21 one-third of the total traffic flow. That's  
22 consistent with our experience. A lot of these  
23 coffee restaurants generate a lot of pass-by traffic.  
24 Usually, that pass-by traffic wants to make the easy  
25 right in and right out movement and so this is

1 consistent with our experience.

2           The Level of Service for the driveway  
3 connection to Broadway was, I calculated to be a C  
4 Level of Service, which is a decent Level of Service  
5 for this part of the State. Meaning that cars  
6 exiting out onto Broadway will wait and this will be  
7 a weighted average. Some people will wait a little  
8 bit more and some people will wait a little bit less,  
9 but it will take, approximately, 20 to 25 seconds for  
10 the morning peak hour for the cars to exit out onto  
11 Broadway to make a left or a right. The parking is  
12 adequate. Mr. DiFolco testified to that.

13           Circulation, we have stacking for eight  
14 cars prior to any interference with the onsite  
15 circulation. We have room for another 10 cars before  
16 there is any backup out to Broadway. I can tell you  
17 that will never happen. Again, it's been our  
18 experience that we need generally stacking for eight  
19 cars from the drive-through window. We have that.  
20 And occasionally, if we have a 9th or a 10th car that  
21 spills back in the access way, remember, the parking  
22 spaces that are right behind the building are going  
23 to be reserved for employees. They won't impacted.  
24 And basically, we have a few more parking spaces than  
25 we need in terms of what your Ordinance requires. So

1 the likelihood of any of the parking spaces in the  
2 area I am pointing to now, which will be along the  
3 southern boundary of the property, the likelihood of  
4 any of the those parking spaces being occupied, if  
5 there was a little bit of a backup there, is pretty  
6 remote.

7 On balance, I can tell you the site can  
8 accommodate the building, it can accommodate the  
9 drive-through window. The circulation, I believe,  
10 will be safe and efficient and the Level of Service  
11 for the driveway will be a C Level of Service, which  
12 is well within accepted traffic engineering  
13 parameters. So the site will work properly onsite  
14 and offsite. And that is basically the conclusion of  
15 the traffic study.

16 Q. You are dealing with the Freehold  
17 Traffic on the Planning Board also?

18 A. Monmouth County Planning Board. I did  
19 get a communication from the County Planning Board.  
20 I was at the original meeting when we were asked to  
21 widen the exit driveway to have a separate left and  
22 right-turn lane. I did get an email from the County  
23 engineering staff today indicating to me they had no  
24 problem, but it would have to go in front of the full  
25 Planning Board for approval. Usually, if the

1     engineering staff is okay with something, it will go  
2     through.

3                     MR. ARIA:   Any questions for Mr. Rea?

4                     Any questions from the public?   Yes, ma'am?

5                     MS. VANDENBROUCK:   Alisa   Vandenbrouck.

6                     I live at 6 Bampton Place.   My property, the  
7                     front of it is on Bampton.   My back yard is on  
8                     Golf, so I have a double lot.   I have been to  
9                     many of the Dunkin Donuts before I go to work.  
10                    I've hit the ones in Tinton Falls.   That is  
11                    your prototype, so you said.   And I live very  
12                    close to this.   And I will go there before  
13                    work.

14                    The traffic, I don't know when you  
15                    did your study, you said June, the summer  
16                    traffic is horrendous on Broadway.   To try and  
17                    make a left out of Broadway out of Dunkin  
18                    Donuts, a left onto Broadway, you will be  
19                    sitting there sometimes three minutes.   When I  
20                    leave my property and I come out of Upton to  
21                    make a left on Broadway, sometimes I'm there  
22                    three minutes.   And people are going to make a  
23                    right, they are going to go down Oak Hill.  
24                    They are going to go down Heidel and they are  
25                    going to go down Golf and East Chestnut and

1           probably come out of my street, too. You do  
2           the studies, but I am the one, you know, we are  
3           the ones that are living there and living  
4           with the ramifications. The traffic in the  
5           area has gotten horrendous. I mean, really.

6                     You know, we are trying to keep the  
7           town, you know, a quaint town and it's not  
8           becoming that. I've been in my house for 33  
9           years.

10                    THE WITNESS: I can try to respond.  
11           I think they were basically general comments of  
12           traffic in the area. I agree. I've been  
13           living in Monmouth County for 35 years. I live  
14           at a town at the beach. You should see what my  
15           town looks like in the summer weekend.

16                    MS. VANDENBROUCK: The traffic getting  
17           into Pier Village now or the traffic getting  
18           into Seven Presidents, thank God I have a pool.  
19           You can't go to the beach anymore.

20                    MR. IRENE: Ms. Vandembrouck, you do  
21           swear any testimony you have given is the  
22           truth? Now you are going into a statement, and  
23           that is fine, we weren't going to any comments.  
24           You want to ask Mr. Rea, isn't that so?

25                    THE WITNESS: Isn't that so?

1           MR. REA: We live in a very popular  
2 place and I will put up a little with that  
3 problem. To allay your fears, again, the  
4 restaurant is there already. The driveway is  
5 going to add 10 to 15 percent to the existing  
6 volume. I can tell you that people were making  
7 left turns out onto Broadway. Counts were done  
8 in March. They weren't summer counts. We did  
9 have 32 counts onto Broadway in the morning  
10 hour. People are getting out to Broadway. I  
11 agree with what you said. All we can do as  
12 engineers is make sure the site is designed  
13 properly and it will operate safely and  
14 efficiently, but are there days that it's going  
15 to be difficult, absolutely, just like any other  
16 driveway up and down Broadway. So I agree with  
17 you, but there is not a lot we can do about that  
18 situation.

19           THE WITNESS: Well, we can. Just not  
20 have drive-through. I mean, if you go out to  
21 36, it's terrible. When I work at Jersey Shore  
22 and I will pick up and I will not go through the  
23 drive-through. I love the APP. I can order it  
24 on the APP and I am in and out faster than the  
25 drive-through. When you are on the ones on

1           Tinton Falls, if I am making a left, I think  
2           it's Shafto to go onto Route 18 south, it's  
3           great. If I wanted to go back down Hope Road, I  
4           guess southbound.

5                   MR. REA: Is this the one on Hope Road?  
6           I was approached to do the traffic studies on  
7           that and I turned it down for those reasons. I  
8           have nothing to do with that.

9                   THE WITNESS: On 36, it backs up.

10                  MR. REA: Understood.

11           Q.       Would you indicate that basically when a  
12   customer has these problems, they either choose to go  
13   a different direction every time they leave or  
14   someplace else?

15           A.       Well --

16           Q.       What happens?

17           A.       -- I think that is the case, too. Now  
18   that we are talking about a drive-through window. I  
19   do want to point out there are certain advantages to  
20   the drive-through window that I didn't want to get  
21   into too much detail given the hour and where we are  
22   with the application, but there were several  
23   advantages of the drive-through window.

24                   Number one, it reduces the overall  
25   parking demand in the store because now the takeout

1 customer has the option of pulling into the parking  
2 space going into the store or using the drive-through  
3 window. In today's situation, all of the customers  
4 whether they are sitting in the store or they are  
5 taking their product out, they have to use a parking  
6 space, so it reduces the overall parking demand.

7               Number 2, it reduces the vehicle and  
8 pedestrian conflicts in the parking lot for pretty  
9 much the same reason. Now the takeout customers  
10 don't have to park their car, walk across an aisle to  
11 get into the store. They can stay in their car, so  
12 the vehicle and pedestrian conflicts are reduced.  
13 And also, of course, from a convenience standpoint,  
14 it gives parents that may have small children in the  
15 car, the convenience of using the drive-through  
16 window instead of unbuckling the kids, getting in and  
17 out. It's just a very convenient thing for people.  
18 We've all gotten used to it, but there are advantages  
19 to the drive-through window.

20               MR. ARIA: If I am correct, her point  
21 was not that there was going to be more traffic  
22 but now the traffic is going to go through the  
23 neighborhoods as opposed to Broadway because  
24 they can't make lefts.

25               THE WITNESS: Right. I don't see that



1           being the case with the counts we did. People  
2           were making lefts out onto Broadway.

3                   MR. ARIA: What time of day did you make  
4           those counts?

5                   THE WITNESS: Seven-thirty to 8:30 in  
6           the morning was the peak hour.

7                   MS. VANDENBROUCK: Can I add? Knowing  
8           that I can't make a left onto Broadway, I will  
9           cut through my own neighborhood and go to the  
10          right to make a left.

11                  THE WITNESS: Well, that is an off-site  
12          condition that exists in many areas through the  
13          the County, throughout the State. But this plan  
14          has been designed properly, in my estimation, we  
15          are going to work things out with the Fire  
16          Marshal, I'm sure. And that is all I can  
17          conclude.

18                  MR. ARIA: Any other questions? All  
19          right. Mr. Steinberg, are you done until the  
20          next meeting?

21                  MR. STEINBERG: Yes, I would ask the  
22          matter be carried to the meeting February 11th  
23          2020 without any additional further public  
24          notice.

25                  MR. ARIA: Before that, I want to ask

1 Mr. Roselli if he could come up. I have a  
2 question for you real quick. You understand  
3 what we are doing, carry it to next month so you  
4 have an opportunity to work with Dunkin. Are  
5 you okay with that?

6 MR. ROSELLI: Yes.

7 MR. ARIA: Anything else you want to add  
8 before we conclude?

9 MR. ROSELLI: No, that is it.

10 MR. STEINBERG: I am not going to bring  
11 Mr. Rea back, unless we feel it is necessary.  
12 And I'm probably not going to bring the  
13 architect back, unless we feel it's necessary.  
14 If anybody has any other questions for either  
15 the architect or Mr. Rea --

16 MR. IRENE: The Board reserves the right  
17 to have you bring them back and deem necessary  
18 of any changes to the plans required by the Fire  
19 Marshal.

20 MR. STEINBERG: Obviously. We are  
21 assuming that when we come back we will have  
22 Fire Marshal approval and we will have Monmouth  
23 County Planning Board approval. If we don't,  
24 that is a whole other situation. Assuming that  
25 is done, Mr. Roselli, we will not be bringing

1           them back.

2           MR. IRENE: Mr. Steinberg is also going  
3           to stipulate an extension of time through and  
4           including the March 2020 meeting of the Board,  
5           just in case we get snowed out in February.

6           MR. STEINBERG: I will send a letter  
7           confirming that. I will extend the time in  
8           which the Board has to act through the March 20,  
9           2020 meeting or any additional meeting.

10          THE WITNESS: Thank you so much.

11          MR. IRENE: March 10th.

12          MR. STEINBERG: And again, I would ask  
13          the matter be carried without further public  
14          notice.

15          MR. ARIA: Roll call on that?

16          MR. IRENE: Yeah, somebody needs to make  
17          a motion to carry the matter to February 11,  
18          2020 without the necessity of Re-Notice. We  
19          have a stipulation from Counsel extending time  
20          which to act through the following scheduled  
21          meeting of March.

22          MR. STEINBERG: Any additional meetings  
23          in the event both of those meetings get  
24          canceled.

25          MS. HANEY: I second.

1                   MR. STEINBERG: And I will send a  
2 letter.

3                   MR. IRENE: First nine.

4                   MS. O'NEILL: Motion.

5                   MS. HANEY: Second.

6                   MS. DEGENARO: Mayor Tucci?

7                   MAYOR TUCCI: Yes.

8                   MS. DEGENARO: John Aria?

9                   MR. ARIA: Yes.

10                  MS. DEGENARO: Sarah O'Neill?

11                  MS. O'NEILL: Yes.

12                  MS. DEGENARO: Stephen Bray?

13                  MR. BRAY: Yes.

14                  MS. DEGENARO: Gordon Heggie?

15                  MR. HEGGIE: Yes.

16                  MS. DEGENARO: Randy Trilio?

17                  MR. TRILIO: Yes.

18                  MS. DEGENARO: Antonio Scalise?

19                  MR. SCALISE: Yes.

20                  MS. DEGENARO: Don Brocklebank?

21                  MR. BROCKLEBANK: Yes.

22                  MS. DEGENARO: Christine Haney?

23                  MS. HANEY: Yes.

24                  MR. IRENE: Thank you. Any interested  
25 parties, please mark your calendar. The matter

1 is carried to February 11, 2020 without the  
2 necessity of Re-Notice. There will be no  
3 further Notice.

4 MR. ARIA: Any other matters to discuss  
5 before we need to adjourn? Meeting adjourned.

6 (Whereupon, the hearing was adjourned at  
7 9:31 p.m.)

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25