

1 CHAIRMAN SANTORO: Okay. So then, the⁴
2 first piece of new business is Case No. Z 20-009,
3 Carrols, LLC, Block 5101, Lot 33, 317 Main Street.
4 The applicant -- applicant is seeking
5 preliminary and final site plan with variances for the
6 construction of an additional -- additional drive-
7 through lane, various minor site improvements, as well
8 as the remodeling of the existing restaurant.
9 I want to welcome you.
10 MR. CALLI: Thank you, Mr. Chairman.
11 Nice to see everybody on the Board.
12 For the record, Larry Calli, on behalf of
13 the applicant.
14 First, I just want to thank the Board for
15 allowing this format. The applicant is very
16 appreciative of it. We see, around the state, a lot of
17 Boards are still not engaging in virtual process. If
18 they do, it's a -- a quick crash and burn. It's not
19 going all that well, so we're very happy that the
20 borough is able to do this for us, for your people, and
21 I speak on behalf of the applicant and for my whole
22 team when I say that. To date, you folks and your
23 back-of-the-office staff have made this seamless to get
24 to this point. So thank you for having us tonight,
25 folks. We appreciate it.

1 I'll leave the sharing to my colleagues here, Mr.⁶
2 Chairman.
3 CHAIRMAN SANTORO: Okay.
4 MR. CALLI: I'd be on a typewriter right
5 now if I had it my way doing the virtual meeting.
6 MR. HALL: Yeah. The easy way is if you
7 open it to the agenda page then. You can click on the
8 link and share screen and look at anything.
9 MR. CALLI: And -- and -- and -- and --
10 MR. HALL: I can't do that either but I
11 could -- I could tell you how to do it.
12 MR. CALLI: What you folks will see
13 shortly is probably going to be, mostly, colorized
14 renderings of plans you already have on file. These
15 are documents we also did digitally submit and pre-mark
16 as exhibits, and then, you'll see a planning exhibit
17 shortly thereafter when Mr. McDonough testifies last
18 but you will see a number of documents tonight to help
19 illustrate the points we're trying to make and -- and
20 efforts that we are trying to capture here.
21 So briefly, Mr. Chairman, members, I know
22 you folks know the site. It's the Burger King. It's
23 on 317 Main Street. It's about a half-acre site and
24 it's in the CC zone. About a 3600-square-foot box is
25 there now, relatively outdated. It's the old-style

1 CHAIRMAN SANTORO: Yeah. We're lucky we⁵
2 have Fran Boardman. She's great so...
3 MR. CALLI: Fran is -- Fran has always
4 been great.
5 So at -- at any rate, Mr. Chairman, we'll
6 try to be relatively brief this evening. I realize
7 we're your only matter on the agenda. We appreciate
8 that. We've got a number of witnesses we will go
9 through shortly but relatively straightforward
10 application. We hope you find it quite palatable at
11 the end.
12 If -- if I could, Mr. Chairman and
13 members, I'd like to, briefly, just take you through
14 what we hope to accomplish this evening with our
15 presentation, let you know who you're going to hear
16 from and give you a sense, 30,000-foot view, of what we
17 propose to do and, then, our experts will take you
18 through at a much more granular and thorough level
19 shortly so --
20 CHAIRMAN SANTORO: I think that's good
21 and you guys know where everything is posted up online
22 so you guys can share what documents you'd like to
23 cover as you make your way through it.
24 MR. CALLI: I am so computer illiterate.
25 I'm afraid my computer may blow up if I touch it so

1 Burger King we've all come to know and love over the⁷
2 years. It needs a little bit of help on the aesthetics
3 and that's what we're here to hopefully do this
4 evening.
5 A few background things, first is: It's
6 conditionally permitted in the zone so the Burger King
7 use is allowed here. It's the negative criteria that
8 Mr. McDonough will focus on after discussing where we
9 seek minor deviations. The reason we're before the
10 Board of Adjustment is because there are conditional
11 use variances, really, two categories. One's related
12 to the drive-through details and the other -- other is
13 related to the signage. I'll let our experts take you
14 through all of the details and relief on that but,
15 thematically, and I hope you'll appreciate this as we
16 move forward because this was developed program-wide by
17 Burger King and by Carrols and implemented at local
18 levels through the states with a -- a high level of
19 appreciation and respect for the local codes that we
20 find ourselves before.
21 My practice, being solely in Jersey, I
22 can tell you that I've seen different programs with the
23 same developer because they try and honor the local
24 code. That's where Dynamic Engineering has come into
25 play to strongly help guide this project as well as our

1 site architect and what you're going to see,
 2 pneumatically, is a betterment of this site. It's
 3 improved functionality. It's improved aesthetics.
 4 It's a modernization of the look. It's cleaning it up.
 5 It's bringing it into 2020. It's bringing it into what
 6 this corridor deserves and when you see the elevations,
 7 I hope you'll appreciate that.

8 The deviations, subjectively, I agree. I
 9 think are nominal. That's just my opinion. Our
 10 experts will take you through exactly what they are and
 11 I think we can even head it off with discussing what I
 12 think may be and should be a bigger ticket item with
 13 this Board this evening is the sign package. We all
 14 like living in towns where there's not too much
 15 signage, where it's not garish, where it's appropriate.
 16 We think we've hit that here but we do also realize
 17 there's a balance to be struck with the code and there
 18 are a number of deviations for signage and we think
 19 that we can sort of mitigate those proactively before
 20 we even get into the weeds about a discussion as to
 21 whether or not certain deviations are essential or not.
 22 I'll let our experts take you through where we think we
 23 can proactively and affirmatively pair down our package
 24 a little bit to make it a little more appreciable and a
 25 little bit less deviating from the code that we've got

1 here.

2 There are a few bulk variances as well.
 3 Mr. McDonough will take you through those. Our
 4 engineer will shortly note them. You got to remember;
 5 this is an existing site we're working with. It's very
 6 tough. When we've got blank land to work with, it's
 7 much easier.

8 Having had my practice in Morristown for
 9 15 years, there's not much vacant land in our area of
 10 Chatham, Morristown, Madison, New Vernon. We are
 11 dealing with what we're dealing with on this developed
 12 commercial site, so when you look at our notice, when
 13 you look at our bulk table on our plans, it looks like
 14 we're asking for more than we actually are in a lot of
 15 respects. These are all existing conditions.

16 What I hope the Board takes away is:
 17 This is nothing but improvement. There's no changes to
 18 intensity, operations, still going to be Burger King.
 19 It's just going to look a heck of a lot sharper, we
 20 hope, if approved, much better than it looks like today
 21 so proposed is certainly a better condition than what
 22 we've got today and we hope, at the end of the day, the
 23 Board members agree with us.

24 You'll hear from four witnesses,
 25 hopefully, all this evening, Mr. Chairman. We think

1 this could be a one-night meeting absent any lingering
 2 issues on behalf of the Board or your experts.

3 We'll hear first from our site engineer,
 4 R.J. Colucco. He'll testify shortly from Dynamic
 5 Engineering. He'll walk the Board through the site,
 6 what you've got there today, the limited site changes
 7 tomorrow, how it's improving and, generally speaking,
 8 what's new.

9 Then, you'll hear from our site
 10 architect, Pat Mahoney. Pat's going to take you
 11 through the new skin of the building, which looks quite
 12 impressive and Pat's going to take you through colored
 13 elevations as to what we're proposing with our new
 14 materials, our new windows and the like.

15 You'll then hear from Corey Chase, our
 16 traffic engineer. I think, with a commercial use, it's
 17 always important for a Board to hear traffic and
 18 nothing is changing here about the operations but we
 19 are improving the drive-through, that second drive-
 20 through, and we're going to have Corey take the Board
 21 through exactly how that's improving for this site, for
 22 the patrons and everybody accessing this property.

23 Lastly, we'll hear from Mr. McDonough.
 24 John will testify as a professional planner and John is
 25 going to take the Board through the conditional use

1 variances, the bulk variances and reconcile the
 2 variances with the Board.

3 And that should be our presentation to a
 4 conclusion, Mr. Chairman. If there are any questions,
 5 we're glad to answer them; otherwise, we're glad to get
 6 off to the races with our first witness.

7 CHAIRMAN SANTORO: Yeah. Let's -- let's
 8 move along.

9 MR. CALLI: Wonderful.

10 MR. HALL: Is -- is Bob on the screen,
 11 Bob Colucci [sic]?

12 MR. CALLI: R.J. Colucco, our first
 13 witness, Gary.

14 MR. HALL: Oh. Okay. Is he on the
 15 screen?

16 MR. CALLI: He is.

17 MR. HALL: Okay. I'm missing him.

18 MR. COLUCCO: Right here.

19 MR. HALL: Oh. There you are. Sorry.

20 R O B E R T C O L U C C O, first having been duly
 21 sworn, testified as follows:

22 MR. HALL: And you're a licensed PE in
 23 the State of New Jersey?

24 MR. COLUCCO: I am.

25 MR. HALL: Your license is current?

1 MR. COLUCCO: Yes. 12
2 MR. HALL: Joe, I don't know if you want
3 to...
4 CHAIRMAN SANTORO: Have you been before
5 this Board before?
6 MR. COLUCCO: I have not been before this
7 Board before but I have been accepted as an expert in
8 Union County.
9 CHAIRMAN SANTORO: Okay. We'll accept
10 him. That's fine.
11 MR. CALLI: And he's wearing a tie,
12 Mr. Chairman. There's some law on that that says I
13 think you've got to accept him as an expert so it's...
14 MR. HALL: And does he have a sports coat
15 on? I can't tell.
16 MR. CALLI: He does.
17 MR. HALL: Okay.
18 MR. CALLI: You can't send him home now.
19 CHAIRMAN SANTORO: No. Actually, Mr.
20 Calli, you're the only one without a tie in your crew.
21 MR. CALLI: There's always one. Mr.
22 Chairman, I don't get paid by my client if I don't have
23 a tie on. Come on.
24 CHAIRMAN SANTORO: Okay. So why don't we
25 proceed?

1 MR. HALL: On the plans, it says -- we 14
2 have, it's Sheet 2. Do you renumber them? I'm just
3 curious.
4 MR. COLUCCO: For the exhibits, yes. We
5 made them 1 of 1 for the exhibits.
6 MR. HALL: Is it the same otherwise?
7 MR. COLUCCO: Same otherwise, correct.
8 MR. HALL: Okay. So we don't need to
9 mark it. It says Sheet 2 of the plan set that was
10 filed and posted and, hopefully, everyone has. Okay.
11 FURTHER DIRECT EXAMINATION BY MR. CALLI:
12 A. So same is oriented such that north is
13 towards the top of the page. For reference, Main
14 Street runs east to west of the site. Subject site is
15 outlined in the center of the page here and consists of
16 24,691 square feet and, as we noted, is currently
17 developed with an existing 3,601-square-foot Burger
18 King Restaurant with drive-through operations.
19 The site is surrounded by the Rosewood at
20 Madison townhouse complex. To the north, it's
21 surrounded by the Mavis Tire Shop to the east,
22 residential uses to the south and commercial uses to
23 the west, which includes a Starbucks.
24 Access from Main Street is currently
25 provided via an ingress-only driveway at the west

1 MR. CALLI: Very good. 13
2 DIRECT EXAMINATION BY MR. CALLI:
3 Q. R.J., you've heard my proffer to the
4 Board. You've been qualified as an expert. I
5 introduced you as the scribe of the plans from
6 Dynamic. If -- if you would, R.J., please take the
7 Board and -- you know, bearing in mind they know the
8 property through the site as it exists today and then
9 let's get into the improvements we hope to achieve here
10 with the proposal, if you would?
11 A. Sure thing.
12 Good evening, everyone.
13 As Mr. Calli noted, we're looking at the
14 subject site located at 317 Main Street, which is New
15 Jersey State Highway 124. We're Block 5101, Lot 33 for
16 the township tax maps. The site is located within the
17 CC, community commercial zone.
18 For our first exhibit, I will bring up
19 Exhibit A-1.
20 (Exhibit A-1, aerial map, was marked for
21 Identification.)
22 A. That was submitted to the Board. It's
23 titled aerial map exhibit, which is simply a colorized
24 version of the aerial map that was submitted with the
25 site plan set, same as --

1 corner of the site here and an egress-only driveway on 15
2 the east portion of the site here.
3 Access circulation around the site is,
4 generally, in a counterclockwise motion in this
5 direction with the exception of two-way access in the
6 rear here, which has a wider drive aisle.
7 No changes are proposed to the existing
8 utilities or overall operations of the store. The
9 store will continue to be open from 7:00 a.m. to 12:00
10 a.m. and deliveries will continue to occur during off-
11 peak hours twice a week.
12 Moving on to the proposed improvements,
13 these will include --
14 CHAIRMAN SANTORO: What hours? 7:00 --
15 7:00 a.m. to midnight every day?
16 MR. COLUCCO: Yes.
17 CHAIRMAN SANTORO: Thank you.
18 A. Moving on to the proposed improvements,
19 as Mr. Calli noted, this is going to be a modernization
20 of the existing Burger King Restaurant. This is a
21 conditional use in the CC zone and the improvements
22 include exterior and interior remodeling of the store,
23 addition of a second pay window, signage upgrades,
24 upgrade of a single-lane drive-through to and dual
25 drive-through and ADA improvements. These upgrades are

16
1 part of a larger rollout of company improvements that
2 Burger King is implementing and is focused on providing
3 a betterment for both Carrols and patrons accessing the
4 stores.
5 For our next exhibit, I'll bring up the
6 site plan rendering, which was submitted as A-2 to the
7 Board and this is simply a colorized version --
8 colorized combined version of the site and the
9 landscape plans that were submitted with the
10 application.
11 The tan-ish-orange color is the building
12 area. The addition of the pay window -- I'll zoom in
13 -- is located in the back corner here.
14 What I will note is: Though we are
15 adding this section of building, we are eliminating an
16 external freezer here, which our architect will get
17 into more detail. As such, we are proposing a
18 reduction in building square footage of 6 square feet
19 so the new footprint size will be 3,595 square feet.
20 CHAIRMAN SANTORO: If I might just add,
21 in the interest of time, if -- if Mr. Russo or Mr.
22 Stern, our planner or engineer, are having questions,
23 jump in as you go if it's -- if you think it saves
24 time. Okay?
25 MR. STERN: Sure. Thank you.

18
1 want to jump in with a question, Mr. Colucco. The
2 drawings you are showing us, I think, are not exactly
3 the same as what was submitted. Is that -- have there
4 been any changes?
5 MR. COLUCCO: No, there's no changes.
6 This is just a rendering of the site plan. It's one of
7 the exhibits that was submitted.
8 MR. FOSTER: Okay. Because I'm looking
9 at Sheet 4 from the stuff that was submitted and it
10 doesn't look quite the same. That's why I'm asking.
11 MR. COLUCCO: It doesn't have the
12 landscaping on it. I can bring up Sheet 4 if it's
13 easier for you.
14 MR. FOSTER: That's fine. I just wanted
15 to check.
16 FURTHER DIRECT EXAMINATION BY MR. CALLI:
17 A. As part of the ADA improvements, the
18 applicant is proposing adjustments to the western and
19 northern sidewalks of the building. This includes a
20 new ramp within the front yard. Mr. Stern had a
21 comment as to whether or not this ramp could be removed
22 to provide additional landscaping.
23 We're proposing this ramp to bring ADA-
24 compliant access from the building finished floor to
25 existing grade on the street. We will, however, look

17
1 MR. COLUCCO: Go ahead, Mr. Chairman.
2 CHAIRMAN SANTORO: Go ahead, Mr. Colucco.
3 FURTHER DIRECT EXAMINATION BY MR. CALLI:
4 A. As part of the building remodel, the
5 applicant is requesting a variance for a front yard
6 setback of 11.4 feet whereas 15 feet is required.
7 This is an improvement of the 11-foot
8 setback that currently exists today and involves
9 removing some of the canopies, which again, our
10 architect can get into more detail to.
11 Access for the lot will remain as it
12 stands today.
13 To answer one of the planner's comments
14 regarding the bypass lane opposite the drive-through
15 window, this 15.8-foot dimension is an improvement over
16 the existing dimensions. Existing is 15.4 feet today,
17 roughly.
18 Western parking area is proposed to be
19 regraded. This is done to bring the site into ADA
20 compliance. As part of the regrading, the applicant is
21 requesting a variance for a side yard parking setback;
22 5 feet is required and 2 feet is proposed. Note, this
23 is a minor increase of .1 feet compared to what's
24 currently existing today.
25 MR. FOSTER: As part of your -- I just

19
1 to replace a striped area within the parking lot and/or
2 remove a parking space and in order to meet the
3 impervious coverage requirements and eliminate that
4 variance.
5 As part of the remodel, the project is
6 proposing 60 seats. Per ordinance requirements, 1
7 space per 2.5 seats would result in a total of 24
8 parking spaces being required; 39 spaces currently
9 exist today. We are proposing to lose two parking
10 spaces. These parking spaces were here previously and
11 they're being removed in order to provide an adequate
12 bypass lane around the dual drive-through.
13 If we do have to lose a parking space to
14 meet the impervious coverage requirements, we will
15 maintain compliance with the parking standards.
16 MR. STERN: And how many seats did you
17 say?
18 MS. BOARDMAN: 60.
19 MR. STERN: Seats?
20 MR. COLUCCO: It's 66.
21 MR. STERN: Thank you.
22 FURTHER DIRECT EXAMINATION BY MR. CALLI:
23 A. As we mentioned earlier in testimony, the
24 existing single-lane drive-through is being proposed to
25 be replaced by a dual drive-through. This is to

20
1 accommodate the change in industry customer usage over
2 the past years. Our traffic engineer can provide
3 additional detail on this as part of his testimony but
4 what I will say is: The dual driveway is designed to
5 better accommodate the demands. It provides shorter
6 waiting times and helps to reduce queuing lanes.
7 We will remove the logo and the text from
8 the clearance bar per planner comments but we will
9 leave the height, that stuff.
10 As part of the dual drive-through, the
11 applicant is seeking a variance for the placement of a
12 transaction window or speaker system within 60 feet of
13 the rear residential property line. That dimension
14 would be 42.2 feet proposed, where the existing
15 nonconformance of 54 feet exists today.
16 As part of the exterior remodel, the
17 applicant is proposing a new signage package. What is
18 currently shown on the plans is a typical Burger King
19 standard package, but as introduced by Mr. Calli, in an
20 effort to mitigate the relief being requested tonight,
21 we'll be making the following adjustments to the signs:
22 We're going to be keeping the existing directional
23 signs as is. We will be eliminating the "Home of the
24 Whopper" sign that was proposed along the front of the
25 store and we will be eliminating the two "Burger King"

22
1 for quantity and area for building-mounted signs.
2 We're proposing to replace the existing freestanding
3 monument sign with a new internally-illuminated sign on
4 the same location, so main change, you add existing 2-
5 foot setback.
6 We would reduce -- we are reducing the
7 height of that sign. The existing is sign today is 12
8 feet whereas our proposed sign is 8 feet.
9 And that existing red-band trim is
10 proposed to remain as shown proposed on the
11 architectural plans but our architect can get into more
12 deal on the red band and it's more of an architectural
13 element to the building, not necessarily a design, in
14 our opinion.
15 CHAIRMAN SANTORO: Okay. That's good.
16 Yeah. When we get to the -- to that point, I would
17 like to go into a bit of a deep dive in that signage,
18 get a real feel for what it's going to look like. You
19 probably have some exhibits for that.
20 Let me ask you about the drive-through
21 aisle. Are both driveway lanes going to be handled the
22 same way? There's nothing unique about them. It's
23 just Lane 1 and 2 but everything else is the same?
24 MR. COLUCCO: Correct.
25 CHAIRMAN SANTORO: Okay.

21
1 logo signs that are on either side of the store, the
2 drive-through side and the dining room side.
3 CHAIRMAN SANTORO: So those are
4 modifications you're putting out there right now?
5 MR. COLUCCO: Yes.
6 CHAIRMAN SANTORO: So -- okay. You just
7 keep going. All right? We'll -- we'll double-back and
8 cover the signs in detail but thank you.
9 MR. COLUCCO: Sure.
10 A. This will significantly reduce the
11 variance relief being requested by providing a
12 reduction of, approximately, 98 square feet, which is
13 less than half of what was initially proposed.
14 We will --
15 MR. STERN: Could you tell us -- excuse
16 me.
17 Could you tell us what signs will remain
18 as well as the accent light band, if that's still to
19 remain that -- that trims the top of the parapet wall
20 along the front and side elevations.
21 MR. COLUCCO: We are proposing to keep
22 the internally-illuminated "Burger King" logo sign
23 along the front of the building and we are proposing to
24 keep the two digital menu boards for the dual
25 drive-through which will result a requesting a variance

23
1 FURTHER DIRECT EXAMINATION BY MR. CALLI:
2 A. The applicant is proposing to replace the
3 existing light fixture heads with more efficient LED
4 fixtures. We'll also be replacing the poles and that
5 will be done to meet the ordinance height requirement
6 of 15 feet to eliminate another variance there.
7 The applicant is proposing a variance for
8 exceeding the maximum illumination at the property
9 line. The variance is, more specifically, for the
10 illumination at the commercial properties on the east
11 and west sides of the lot. We will be meeting the
12 ordinance requirements for the residential lot to the
13 rear.
14 CHAIRMAN SANTORO: Okay. So you're going
15 to drop the lights down 15 feet?
16 MR. COLUCCO: Yes.
17 CHAIRMAN SANTORO: Which is good because,
18 when I went there and looked at it, they were up there
19 in the trees --
20 MR. COLUCCO: Yes.
21 CHAIRMAN SANTORO: -- anyway so does Mr.
22 Russo have the detail for that?
23 MR. COLUCCO: We don't have a detail for
24 that but we will provided one as part of resolution
25 compliance if provided a favorable decision at this

24

1 meeting.

2 CHAIRMAN SANTORO: Just want to make sure

3 it's compliant in terms of lights, spillage and that

4 sort of thing. Okay?

5 MR. COLUCCO: Okay.

6 MR. STERN: With the 15-foot light

7 height, you are providing new poles?

8 MR. COLUCCO: New poles, yes.

9 Maintaining the -- the foundations but new poles.

10 MR. STERN: Thank you.

11 MR. RUSSO: The lower -- the lower light

12 height will help address any light spillage over what's

13 currently proposed.

14 CHAIRMAN SANTORO: Okay. I just want to

15 keep track of this so that's a detail that we'll follow

16 later on?

17 MR. COLUCCO: Uh-huh.

18 CHAIRMAN SANTORO: Okay. Great.

19 FURTHER DIRECT EXAMINATION BY MR. CALLI:

20 A. We are proposing to infill the existing

21 landscaping with, approximately, 158 new shrubs and 6

22 new trees that you can see scattered throughout the

23 site on this rendering, both in the dual drive-through

24 and along the perimeters.

25 MR. HALL: Is there any place where

25

1 you're getting rid of paving? I think, earlier, you

2 said you might do that to conform with the coverage

3 limit?

4 MR. COLUCCO: Yes. We would look -- we

5 would look to remove or replace these striped areas

6 with landscaping so we would bring the curb around and

7 replace it with landscaping.

8 MR. HALL: Now, can you do that in front

9 of the trash enclosure? I guess they come in from the

10 side?

11 MR. COLUCCO: They come in through here

12 so we -- we may be able to add it here.

13 MR. HALL: Okay.

14 MR. STERN: Can you just repeat that

15 again? Put your cursor on that area that would be

16 converted from pavement to landscaping?

17 MR. COLUCCO: It will either be here,

18 next to the trash enclosure, and/or this striped area

19 in the front.

20 MS. KAAR: There is one other striped

21 area where -- is -- is that also included or is that

22 something else?

23 MR. COLUCCO: No. We're keeping this

24 striped area. That, again, is for bypass around the

25 drive-through.

26

1 MS. KAAR: Okay.

2 FURTHER DIRECT EXAMINATION BY MR. CALLI:

3 A. Lastly, what I'll touch on is the

4 existing PVC fence will remain. It will be cleaned.

5 It is in general good condition and it provides an

6 added benefit of adding some screening to the

7 residential uses in the rear.

8 MR. STERN: For clarity, when your survey

9 was done, it depicted the fence location and identified

10 it as a stockade fence. Now, the white PVC fence is in

11 there. Is that white PCS fence now located within --

12 entirely within the Burger King property?

13 MR. COLUCCO: No. I believe there may

14 have been just an error in the survey. There's a white

15 PVC fence and it's in the same location.

16 MR. STERN: Okay. Are you proposing to

17 relocate it within the property or...

18 MR. COLUCCO: No. It functions, as is,

19 today. There haven't been any complaints to our

20 knowledge. We could relocate it, but by relocating it,

21 we would be moving it closer to the residential

22 property so we feel that it would be better served for

23 all parties to maintain it where it was today.

24 MR. STERN: Okay.

25 MR. RUSSO: Mr. Colucco, Comment 15 of my

27

1 -- my latest report, so the area on the other side of

2 the PVC fence, who maintains that?

3 MR. COLUCCO: I don't know 100 percent,

4 for certain. I'm assuming it would be the residential

5 property. If, for some reason, Burger King needed to

6 maintain it, the fence could be disassembled and

7 reassembled.

8 MR. RUSSO: It just -- you know, there's

9 that no man's land back there that no one is claiming

10 or maintaining. You know, something needs to be done,

11 either some sort of agreement with, you know, the rear

12 property owners or Burger King to, you know, affirm

13 that they're going to maintain all of their property.

14 MR. HALL: Frank, the -- the one directly

15 behind was at the Zoning Board last year. I can't

16 remember the name. It fronts on -- on Kings Road, and

17 actually, what's labeled as a one-story framed dwelling

18 I thought was a garage; we were told.

19 CHAIRMAN SANTORO: Yeah. That's right.

20 MS. SALKO: Yeah. Jet Bold (phonetic)

21 Properties.

22 MR. HALL: And that way --- and one of

23 the conditions, I forgot where that was left, they're

24 going to clean up their yard because the yard was kind

25 of a mess, as I understood it, from Mr. Santoro and we

1 did have the guy with that little pointed thing. He
 2 fronts on the side street, actually came in on that
 3 application and he had some concerns. I don't know if
 4 he's logged in tonight or not but he says it's a point
 5 of land that's kind of useless to anybody but he owns
 6 it so I don't know how --
 7 CHAIRMAN SANTORO: Yeah. There was a
 8 sliver, the end of a pie, that stuck into the middle of
 9 that yard there, middle of the property, and then,
 10 there was a couple of dilapidated fences there, and
 11 then, the property that Mr. Hall is referring to with
 12 that garage, that property is completely dilapidated
 13 and being done over so it would actually be a really
 14 good opportunity if you were to approach that homeowner
 15 there and take a look back there and decide on some
 16 sort of solution.
 17 MR. CALLI: Well, we're -- we're glad to
 18 do that. I mean, I will say; it's -- it's very
 19 difficult to tie any kind of condition of an approval
 20 on we have to make someone else who's not a party
 21 cooperate with us. It's always an impossibility so I
 22 will say that, I will ask and several folks from
 23 Carrols and the owners are on this virtual meeting
 24 right now. We will approach our neighbors, but, you
 25 know, back to Frank's question as to what's easier, do

1 CHAIRMAN SANTORO: No. You could put a
 2 gate in there.
 3 MS. KAAR: Yeah. You have to do
 4 something like that.
 5 CHAIRMAN SANTORO: But I -- I -- I think
 6 what Mr. Calli is saying is he's going to take
 7 responsibility for it so you -- you wanted to just move
 8 the fence, put a gate in or something but you're going
 9 to maintain that property if you could have some deal
 10 with the homeowner, right?
 11 MR. CALLI: Right, yeah. The -- the
 12 problem is, is the -- the unknown of the homeowner,
 13 right? We -- we --
 14 CHAIRMAN SANTORO: Yeah -- no. We get
 15 that.
 16 MR. CALLI: Yeah. You get into an --
 17 when you get with neighbors, it's an abyss sometimes so
 18 that is -- that gets a little bit scary so we'll it --
 19 out on our property. If we work out a better solution
 20 that becomes easier for us, wonderful. If not, it --
 21 it's ours to maintain and we'll figure out a method how
 22 to do it.
 23 CHAIRMAN SANTORO: So Gary could do a --
 24 some sort of a condition around that.
 25 MR. HALL: Yeah. I'm just looking. It

1 we own our land and make sure that we're taking care of
 2 everything within the boundaries of our property or --
 3 or do we work out some agreement for no man's land? I
 4 think the reality is we have to own our own land and
 5 ensure that everything within our ownership is
 6 maintained properly, and to the extent that
 7 collaboration with the neighbor is a little more ideal,
 8 we'll certainly pursue that but we can't guarantee a
 9 neighbor is going to want to engage in that sort of
 10 collaboration with us so we will stipulate that our
 11 property will be ours to maintain in full, even the
 12 areas that are a little bit beyond reach; let's say.
 13 MS. KAAR: With a fence in place.
 14 MR. HALL: It might makes sense to just
 15 move the fence and...
 16 MR. CALLI: We could just -- we could
 17 just move the fence. I mean, you know, as -- as Mr.
 18 Colucco testified, it's getting closer to the
 19 residences but -- with a fence in place to go around.
 20 It's done often enough. It's not ideal. It's hardly
 21 ideal but --
 22 MS. KAAR: Well, Mr. Colucco was saying
 23 that you would disassemble the fence but that's not
 24 practical, is it? I mean, would you disassemble a
 25 fence every time you want to take care of a property?

1 seems like, if you're so worried about uncertainty,
 2 just move the fence and put landscaping in and you're
 3 done with it. It seems like the simple solution. I
 4 don't know why you wouldn't do that.
 5 MR. CALLI: That's fine.
 6 MR. RUSSO: Yeah. I think the cleanest
 7 solution is just put the fence on our property, and
 8 then -- then, it's clear; it's not something hidden
 9 behind a fence that, you know, whoever is maintaining
 10 the property doesn't see it because they see a fence
 11 and they assume "I only have to maintain up to here"
 12 and it would, you know, prevent incursions from the
 13 property owners in the back of using your property.
 14 MR. CALLI: We could certainly do that.
 15 MR. RUSSO: Okay.
 16 CHAIRMAN SANTORO: Okay. Good.
 17 Please continue.
 18 MR. COLUCCO: That was the conclusion of
 19 my testimony. I'm happy to field any additional
 20 questions the Board has.
 21 MR. HALL: I -- I had one other quick
 22 question on the parking and maybe I wasn't paying
 23 attention.
 24 The table that you have in, sort of, the
 25 middle of the page there. It has 72 seats. Did I hear

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1 someone say "69"? I heard a different number.
2 MS. BOARDMAN: 60.
3 MR. HALL: Excuse me?
4 MS. KAAR: Is what we heard tonight.
5 MR. HALL: What was the number?
6 MS. KAAR: 60; 6, 0.
7 MR. HALL: 6, 0? Because this says "72."
8 MS. KAAR: Yes.
9 MR. HALL: What's the right -- is 6 --
10 should that be "60"?
11 MR. COLUCCO: It should be 60.
12 MR. HALL: Then, you got a much lower --
13 well, that's...
14 MR. COLUCCO: It brings the parking
15 requirement to 24, rather than 29.
16 MR. HALL: And then, the question is: Do
17 you -- is it not -- is there a -- a meaningful way -- a
18 reasonable way to eliminate some of that paving and
19 parking if you're so far under the requirement?
20 Whenever I've been to that property, it's -- the
21 parking use is so low; it's kind of silly, just
22 throwing that out. I know you don't an added cost but
23 it's just --
24 And is the other related question is:
25 There is a requirement. I -- I don't recall if anybody

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1 MR. CALLI: I don't know where else you
2 get an island here but our traffic engineer can take us
3 through what could fit where and what can't fit for
4 where for proper circulation.
5 We've tried to max out as much green as
6 we could, especially with the concentration of our
7 residential neighbors to the zone line at the lower
8 end rear end of the site so we're trying to put as much
9 green on this gray site as we can. If there's an
10 opportunity for more, we'll try to find it but I -- I
11 don't know where that may very well be.
12 MR. HALL: Well, it's by eliminating
13 parking. That's where you get it but the -- the
14 striped area up by the street, do you know that that
15 will -- will it bring you into compliance with the 70
16 percent lot coverage or do you still need a variance?
17 That's another unanswered question we have. It's a
18 minor number; I realize but you go from 70.4 to 71.8.
19 You said, "Well, we'll bring it down. We can landscape
20 the one area, the area by the trash enclosure. There
21 was an ambiguous "We can try; maybe we can do that" so
22 I don't know.
23 What are the numbers? That's my
24 question.
25 MR. COLUCCO: It's a difference -- I'll

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1 calculated it that, for parking areas, you're supposed
2 to have 10 percent landscaping. I know this is
3 preexisting and that's a whole other issue perhaps but
4 I'll just throw that out.
5 MR. COLUCCO: As currently proposed, we
6 have 14.7 percent of the parking area as landscape so
7 we do meet that requirement and we will look to reduce
8 our impervious coverage to be within --
9 MR. HALL: Well, it's landscaping within
10 the parking area, not around it, so I don't know if
11 anybody has checked that calculation.
12 Russell or Frank, I don't know if either
13 of you've looked at that but --
14 MR. CALLI: I think, Gary, we become
15 lawyers because we're not that good at math. I -- I --
16 I don't know where you put landscaping within the
17 parking area and maintain the circulation around the
18 building but --
19 MR. HALL: Well, that's what islands are
20 for.
21 MR. CALLI: I don't --
22 MR. RUSSO: Islands and, I guess, are you
23 maybe --
24 MR. HALL: I see one island here in the
25 -- in the -- that's all.

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1 do the math real quick here.
2 A difference of about 430 square feet.
3 MR. HALL: Now, is that triangle 400
4 square feet? I tend to doubt it.
5 MR. COLUCCO: Between -- between the two
6 of them would be pretty close. If we needed to, we can
7 eliminate one parking space.
8 MR. HALL: Okay. And we -- we can't be
9 maybe get a variance or maybe not. I guess we could be
10 but I prefer to get closure on that issue.
11 MR. CALLI: I think, with the overage in
12 parking, Gary, we could probably find enough green if
13 we have to to ensure compliance getting back down to,
14 at least, the preexisting condition. I -- I think
15 that's probably fair to say.
16 R.J., you think that's achievable, if we
17 really have to and we're off by a fraction of a
18 percent?
19 MR. HALL: I'd say go to 70. I mean, I
20 don't vote but -- I mean, it's not -- maybe it's not a
21 variance if you're keeping it the same, but still, why
22 can't you conform? We're such a little area that --
23 MR. CALLI: I think we probably -- I
24 think we probably can, Gary.
25 MR. HALL: And I don't want "probably."

1 I -- I think, if we do a condition, it will be "will 36
2 comply."
3 MR. CALLI: Right. Otherwise, we're
4 coming back for it, right, so I think we're in
5 agreement that we will find a way to conform at the 70.
6 MR. HALL: Yeah. Okay. Even if you lose
7 one parking space which would be...
8 MR. CALLI: Which -- right. Because
9 we're still green on parking so that's fine.
10 MR. HALL: Well, parking will be, you
11 know, almost 200 square feet, so if you do the little
12 angle, you should be okay.
13 MR. RUSSO: Are -- are you guys going to
14 repave the lot or what are you going to do with the
15 blacktop?
16 MR. COLUCCO: Sure. So if you can see
17 from the rendering, these dark paved areas are
18 repaving. They're full-depth pavement, and then, the
19 lighter gray hatch is a mill and overlay of the lot.
20 CHAIRMAN SANTORO: Now, just curious
21 about -- because I did not notice, you know, quite a
22 number of drains in -- I don't know about odd locations
23 but there were a few drains here and there. I'm just
24 wondering about any runoff that comes down to the
25 street and how that's being -- that's being dealt with

1 MR. RUSSO: Yeah. 38
2 CHAIRMAN SANTORO: Okay.
3 MR. RUSSO: Mr. Colucco, while I -- I've
4 got the microphone, have you had the opportunity to --
5 to review my latest memorandum?
6 MR. COLUCCO: Yes. That is the one dated
7 July 7th?
8 MR. RUSSO: Yes.
9 MR. COLUCCO: Yeah. I saw it.
10 MR. RUSSO: A lot of comments on signs,
11 which I don't know that can you address a lot of them
12 by eliminating a whole bunch.
13 Comment Number 9, have you gotten any
14 input from the borough fire chief regarding the
15 replacement of a fire zone?
16 MR. COLUCCO: We did get a comment letter
17 from the fire chief or an e-mail and they didn't have
18 any issues with the site as it was today. They didn't
19 request any additional fire lanes.
20 MR. RUSSO: Okay.
21 My Comment Number 10, the site shows and
22 the site plan showed you're going to replace all of the
23 existing granite block curbing with concrete curbing;
24 is that correct?
25 MR. COLUCCO: That's how it was currently

1 sufficiently? 37
2 MR. COLUCCO: Well, the way the grading
3 works out, the site, generally, slopes from the rear of
4 the property to the street so runoff from the street
5 would not get to the property; everything slopes down
6 towards the street.
7 CHAIRMAN SANTORO: Right and I'm -- yeah.
8 That's what I'm interested in, is catching it before it
9 goes to the street and has to be handled by the
10 municipality.
11 MR. STERN: Do you have French drains
12 across the driveway that's prohibiting the spill of
13 water into the right of way?
14 MR. COLUCCO: We don't. There are
15 existing storm inlets that are on site. There was a
16 question as to those being cleaned out. We will clean
17 those out and it is assumed that, as previously
18 proposed and approved by the Board when these inlets
19 were put in to handle the storm water that it would
20 function as it does today.
21 MR. RUSSO: Mr. Chairman, I believe this,
22 the site stormwater, is connected to the State of New
23 Jersey system that's within Main Street, Route 20 --
24 124.
25 CHAIRMAN SANTORO: So that's okay?

1 proposed, yes. 39
2 MR. RUSSO: Because, from my own site
3 inspection, the granite block is in exceptional shape
4 and, you know, it just seems like, to remove something
5 in good shape to replace it with new curbing, I mean,
6 it -- it's the applicant's money and he can spend it as
7 he wishes but if -- I would actually prefer to leave
8 the good granite block curbing that's there and if you
9 we're going to spend that money, you know, eliminate a
10 couple of parking stalls, which would bring the site
11 into impervious coverage compliance and you still have
12 enough parking.
13 MR. COLUCCO: Well, it's a -- it's a
14 valid point. We can definitely review with our client
15 leaving the Belgium block curb that's out there.
16 MR. STERN: Frank, I'd like to add to
17 that. That was a good point.
18 The ordinance under Section 195-25.15m5
19 does require Belgium block curb, so if -- if the
20 applicant were to go to the concrete, that would be a
21 waiver from the Board, in my opinion.
22 CHAIRMAN SANTORO: So can we -- can we
23 just go with what block the ordinance requires, please?
24 MR. COLUCCO: Yes, we can either leave
25 what's existing out there, and if we do need to replace

1 a section of curb, we'll make sure we replace it with 40
2 Belgium block.
3 MR. STERN: Okay. Great.
4 MR. HALL: Does that eliminate the need
5 to redo the perimeter paving of the parking lot? The
6 -- the gray area that --
7 MR. COLUCCO: The dark -- the dark --
8 MR. HALL: Is that independent of the
9 curbing? I didn't understand that.
10 MR. COLUCCO: No. That was strictly for
11 the new curbing so that would be --
12 MR. HALL: Okay. Less disturbance, I
13 mean.
14 MR. RUSSO: It's -- it's the same
15 disturbance. It's just less cost to the applicant.
16 MR. HALL: Yeah. Yeah.
17 MR. STERN: So the -- the intention is
18 still to mill and pave the remainder of the parking
19 lot, correct?
20 MR. COLUCCO: Correct.
21 MR. STERN: Okay. Was that a yes?
22 MR. COLUCCO: Yes.
23 MR. STERN: Okay. Thank you.
24 The drive-through lane concrete, the
25 plans note that they're -- it's going to be black

1 that -- would that be you guys would submit that change 42
2 to the -- to the satisfaction of the -- the Borough
3 engineer?
4 MR. COLUCCO: Yes.
5 CHAIRMAN SANTORO: You can work with him
6 to -- to make sure that he's comfortable with that?
7 MR. COLUCCO: Yes, we can.
8 CHAIRMAN SANTORO: Is that okay, Mr.
9 Russo?
10 MR. RUSSO: Sure, Mr. -- Mr. Chairman.
11 You know, I'm just trying to save the -- you know, the
12 black concrete is probably double the cost, if not
13 more, of just standard concrete so...
14 MR. STERN: We -- Frank, what? You have
15 a concern that that striping or that painting just
16 won't stand the test of time, and within about a year
17 and a half, it won't even be visible?
18 MR. RUSSO: Well, what happens with the
19 tinted -- with the tinted concrete is that fades so
20 it's only black, initially, when they put it down. I
21 don't know. I don't feel strongly either way. I just,
22 you know, the visual queue for, you know, people who
23 will frequent this or infrequently come here, you know,
24 again, where do I go? So I -- you know, that could be
25 something that could be worked out afterwards.

1 concrete and my -- my only concern with having the 41
2 black concrete next to the black asphalt is that
3 there's not that much to delineate for the pass-by
4 drivers, you know, "Which side should I stay on?" Has
5 there been any consideration to either, you know,
6 regular concrete, which would, again, save the
7 applicant a significant sum or some other means of
8 providing a clear delineation between the drive-through
9 lanes and the pass-by lanes?
10 MR. COLUCCO: Yeah. We will --
11 MR. HALL: There's striping there, Frank.
12 MR. COLUCCO: We will definitely add some
13 kind of delineation whether it's revising the concrete
14 or adding a striped barrier around the exterior of it
15 to delineate it.
16 MR. STERN: I have been involved with a
17 number of fast food, quick food establishments. This
18 is the first time I've seen black concrete. Could you
19 explain for us; what's the purpose of that?
20 MR. COLUCCO: Sure. It's a -- a standard
21 that Carrols and Burger King likes to implement, just
22 to match what's out there rather than having the
23 different colors.
24 MR. STERN: Okay.
25 CHAIRMAN SANTORO: So with that, would

1 CHAIRMAN SANTORO: Mr. Stern, is that 43
2 good with you?
3 MR. STERN: I'm -- I'm just, typically --
4 typically, just dealt with the concrete pads through
5 the -- through the drive-throughs so this is the first
6 time I've been -- I've encountered the black concrete.
7 You know, to -- to stripe it just seems like it's
8 another step to ultimately, you know, what will fade
9 away. The striping will fade away. Frank says the
10 color will fade away so why don't you just go with
11 something that will always provide delineation between
12 the pavement and drive-through and stay with the
13 concrete?
14 MR. COLUCCO: We'll revise it to regular
15 concrete.
16 MR. STERN: Okay.
17 MR. HALL: Is there enough room off the
18 corner of the solid waste enclosure there? What's the
19 -- the width there? It looks kind of tight.
20 MR. COLUCCO: The width where?
21 MR. HALL: Between the corner of the
22 solid waste enclosure --
23 MR. COLUCCO: Uh-huh.
24 MR. HALL: -- and the drive-through. In
25 other words, how wide is the pass-by lane at that

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1 corner. It's looks tight.
2 MR. COLUCCO: Sure.
3 MR. HALL: You know what I'm talking
4 about? I mean --
5 MR. COLUCCO: Yeah. I do.
6 It's a little --
7 MR. RUSSO: Because the concrete pad
8 extends beyond the trash enclosure.
9 MR. HALL: Right. That's a pad and --
10 MR. RUSSO: Right.
11 MR. COLUCCO: You're talking from here to
12 the edge of --
13 MR. HALL: Right, yeah. Yeah. The dark
14 area is paved but it's, you know, maybe that
15 exaggerates the tightness. Look, I'm just asking.
16 MR. COLUCCO: The gates and the edge of
17 the concrete pad, you're looking at about 22, 23 feet.
18 MS. KAAR: I -- I -- is that what you're
19 really asking, Gary, or are you talking about --
20 MR. HALL: I'm talking from the concrete
21 pad because I don't know if it -- especially, if that's
22 going to be a different -- is that regular white-ish
23 concrete versus the -- the gray asphalt? I mean, it's
24 the converse of what we're concerned about on the other
25 side of the --

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1 right?
2 MR. COLUCCO: Correct.
3 MS. KAAR: Same grade as -- as the
4 pavement?
5 MR. COLUCCO: Same grade as --
6 MS. KAAR: The gray pavement?
7 MR. COLUCCO: Yes.
8 MR. HALL: Wouldn't people still hesitate
9 to drive across a -- a pad versus the road? I mean...
10 MR. FOSTER: I think that's why it's -- I
11 think that's way it's going to be marked. I think
12 that's one of the issues you have to get to.
13 MR. HALL: Can you narrow that concrete
14 pad? I don't know? It just --
15 MR. RUSSO: I mean -- I mean R.J. is
16 there, the opportunity to chamfer for that -- that
17 reinforced pad a little more to provide, you know, that
18 from-the-sky, clear, you know, width that -- that
19 you're going to need?
20 MR. COLUCCO: Yeah.
21 MR. HALL: As I'm looking at that, that
22 one parking space is -- looks kind of challenging
23 without driving across the pad.
24 MS. KAAR: Like, yeah.
25 MR. FOSTER: I think the back one or two

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1 MR. FOSTER: Yeah. I think it points out
2 that -- that delineating the drive-through, the exit
3 pathway is going to be critical because, both coming in
4 going past the drive-through and then getting out past
5 the drive-through, I think there are real choke points
6 that we need to address.
7 MS. KAAR: Yeah. Because you're showing
8 18 feet off the back and that's -- that looks like
9 about half of gray area.
10 MR. COLUCCO: Yes. The distance between
11 the edge of the gate --
12 MS. KAAR: Not there; not there.
13 MR. COLUCCO: -- which is closed is about
14 22 feet. The distance from the edge of the pad is
15 about 13 feet but this pad is primarily for just
16 reinforcement for when your garbage truck is coming up
17 to it, just so it doesn't eat away at asphalt there.
18 It just provides that extra benefit.
19 MR. CALLI: I -- I think, R.J., the color
20 differences might be what's tripping up a few Board
21 members. It looks more like a choke point than it is.
22 Can you just confirm that the pad and, then -- you
23 know, you're bringing your cursor over to it again
24 where you're reinforcing the material, that's at the
25 same grade as the grade just to the left; is that

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1 of the east -- east parking spaces are real question
2 marks.
3 Look, I look at this and I say, you know:
4 What -- what happens when we have four people with
5 Chevy Suburbans pulling in here because that's what's
6 going to happen in Madison, and doing it that way, it's
7 looking pretty tight.
8 MR. COLUCCO: If we can chamfer the pad,
9 we gain that 18 foot.
10 MR. HALL: I think you said you'd
11 probably lose one space anyway to meet the 70 percent
12 so would be an ideal one to get rid of.
13 MR. CALLI: It looks more like three,
14 Gary, doing some quick math, our engineer finds, so it
15 might -- it might even be a little bit more so it might
16 give us more flexibility to play with this area.
17 MR. HALL: Yeah. Eliminating two would
18 address --
19 MS. KAAR: Are you saying, Gary, then,
20 extend the enclosure to the north and --
21 MR. HALL: No, no. I'm just saying
22 landscape or get rid of that and have ground-level
23 landscaping, where the -- where the cursor is right now
24 or where it was.
25 MS. KAAR: Yeah. Well -- well, what I'm

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1 saying is, if that's a choke point, can you expand the
2 trash enclosure and make that passage wider? You know,
3 expand it to the north but make it shorter on the west.
4 CHAIRMAN SANTORO: I don't -- I don't see
5 that area as being an absolute choke point. It's just
6 a matter of you have a concrete pad --
7 MR. HALL: It's just the optics of it, I
8 think.
9 CHAIRMAN SANTORO: Yeah. You just have
10 -- you just have a piece of concrete pad coming out
11 from where the trash enclosure is.
12 MS. KAAR: Okay.
13 CHAIRMAN SANTORO: Where maybe -- where
14 -- where the corner is truncated on the left side
15 there, you just truncate that a little more, more of a
16 flat going through there.
17 MS. KAAR: Okay.
18 MR. FOSTER: Cut out the last one or two
19 parking spaces on that east side and you -- and you
20 delineate on the pavement where the exit lane is, I
21 think you'd be okay.
22 MR. CALLI: I -- I think that's it. It's
23 plenty wide. It's all flat but the optics of coming up
24 to it and you're seeing these varied visuals on the
25 ground might make you wonder how you're going to pass

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1 my Comment Number 14, at the south -- southern --
2 southern end of the site where there's overland flow
3 from the adjacent residential properties, you're going
4 to revise plans to show some other some means of
5 addressing and/or reducing that erosion that's
6 happening?
7 MR. COLUCCO: Yes. Pending a favorable
8 outcome by the Board, we could work with you to provide
9 some kind of mitigation there.
10 MR. RUSSO: Okay.
11 MR. HALL: Frank, where was that on the
12 plan?
13 MR. COLUCCO: Right about here, Frank?
14 MR. RUSSO: No. Back further. In back
15 in that back lower-right corner.
16 MR. COLUCCO: Over here?
17 MR. RUSSO: Yeah. If you go out to the
18 site, you can't miss it.
19 MR. HALL: It's erosion that needs to be
20 dealt with?
21 MR. RUSSO: Yes.
22 MR. HALL: Okay.
23 CHAIRMAN SANTORO: Now, I -- when I was
24 there, I had walked over behind those bushes by the
25 fence there, walked through there, and it was actually

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1 through so I -- I -- that probably solves it.
2 MR. HALL: Yeah. That's a good idea.
3 CHAIRMAN SANTORO: So you guys -- you
4 guys will amend that plan, then, to show the better --
5 MR. CALLI: We will; we will.
6 CHAIRMAN SANTORO: Good. That's good.
7 MR. HALL: We'll have Russ or Frank or
8 whoever take a look at that if you do it.
9 MR. FOSTER: I think we're going to have
10 the same issue on the west side with people coming in
11 but I don't know whether we want to address that now or
12 with the traffic engineers.
13 MR. HALL: Oh. With people backing out
14 of the parking space and...
15 MR. FOSTER: Well, I think -- I think
16 that bump-out that, you know, that is, basically,
17 parallel with the second drive-through lane, again, I
18 -- I think, as a practical matter, it's going to be
19 very tough for people who are not going to the drive-
20 through to get past there --
21 MR. HALL: Oh. Okay.
22 MR. FOSTER: -- and I think there are
23 ways to deal with it.
24 MR. HALL: Okay.
25 MR. RUSSO: Mr. Colucco, my last comment,

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1 running water coming from that property you discussed
2 earlier.
3 MR. RUSSO: Right. That's what I saw so,
4 you know some sort of rip-rap or some sort of
5 channelization just to -- I mean, we definitely have a
6 lot of gravity working over here so just some means of
7 addressing that overland flow because it's -- it's --
8 clearly, it's channelized itself so it makes it a
9 little easier to address because, now, you know where
10 it is.
11 CHAIRMAN SANTORO: So there -- so there
12 was water coming down from the property behind where
13 there's the five-or-so parking spaces at the back there
14 where it says 9 feet, that second one. The water was
15 flow down through there and down into of the lot.
16 MR. COLUCCO: We'll work with you to
17 satisfy his comments, sir.
18 MR. RUSSO: Okay.
19 I have no other comments, Mr. Chairman.
20 CHAIRMAN SANTORO: Sure. Okay.
21 Russell, do you have anything you wanted
22 to ask Mr. Colucco?
23 MR. STERN: Well, my report of July 18th
24 have a number of comments that have not been addressed
25 at this -- at this point. I don't know whether -- how

1 the applicant will proceed to address those but there 52
2 are a number of, you know, detailed type of questions
3 regarding everything from bicycle racks to overhead
4 lines so on.
5 The question to the applicant and the
6 attorney is: How would you like to address those
7 items? You want to circle back to them or would you
8 just care to address them now?
9 MR. CALLI: This is fine time, Russ, to
10 go through. Those are definitely site items and R.J.
11 is certainly the witness to -- to help you through
12 those questions so I think now is a fine time.
13 CHAIRMAN SANTORO: Okay. Let's get
14 through it.
15 MR. STERN: Okay. Sure.
16 I'm just going to address the ones that
17 are -- that are open.
18 1.2, there is a borough noise ordinance.
19 You would agree to comply with the borough noise
20 ordinances as it pertains to your speaker system?
21 MR. COLUCCO: Yes.
22 MR. STERN: Back in 1998 when this site
23 was last approved the applicant was required to prepare
24 and submit a litter management plan and implement and
25 enforce that plan on a regular and reasonable basis,

1 MR. HALL: Yeah, yeah. No, that makes 54
2 sense, Health Department.
3 CHAIRMAN SANTORO: Thank you, Frank.
4 MR. RUSSO: You're welcome.
5 MR. STERN: Okay. And 1.5, could you
6 address the method of providing your electric to the
7 site, your utility service to the site?
8 MR. COLUCCO: The existing would remain.
9 MR. STERN: Which is...
10 MR. COLUCCO: The overhead line.
11 MR. STERN: And that goes along the side
12 of the property line and the enters the rear
13 southeasterly building corner?
14 MR. COLUCCO: Correct. I believe it
15 enters over in this vicinity.
16 MR. STERN: And that would, basically,
17 remain as is as preexisting?
18 MR. COLUCCO: Yes.
19 MR. STERN: Okay. You addressed Item
20 1.6. You're reducing the height of the light
21 standards.
22 You will revise -- for Item 1.7, you'll
23 revise the note that the maximum height is 15 feet --
24 MR. COLUCCO: Yes.
25 MR. STERN: -- on the Sheet 4? Okay.

1 but when you go out to that site or, at least, when 53
2 I've gone out to that site, there's been quite a bit of
3 trash out in that back parking lot so I think you need
4 to revisit that and put a plan together and have the
5 staff fully aware and implementing that plan.
6 MR. COLUCCO: We can do that.
7 MR. STERN: 1.4, the ordinance does
8 require trash receptacles. Looking at what you
9 currently have, they seem to be a bit outdated and the
10 recommendation is to put in new, you know, attractive,
11 contemporary type trash enclosures. Some are even
12 hidden by the bushes, at least, to the easterly side.
13 MR. COLUCCO: We can look at working that
14 through with you as pending a favorable outcome, yes.
15 CHAIRMAN SANTORO: And that litter
16 management plan, who does that go to? Does that go to
17 our engineer for review?
18 MR. STERN: That could just go to the
19 staff, in general, for review. I think Gary can take a
20 look at it too.
21 MR. RUSSO: Okay. But probably the
22 Health Department because their -- Health Department is
23 the entity that enforces property maintenance.
24 MR. STERN: Okay.
25 CHAIRMAN SANTORO: So you get that, Gary?

1 Item 1.8 is a note just regarding that 55
2 lights, except for the -- the security lighting, shall
3 be turned off after business closing. You'll provide
4 that?
5 MR. COLUCCO: Yes, we can.
6 MR. STERN: Okay. You've mentioned --
7 your engineer has mentioned the fact that -- well, at
8 the time -- at the time of the last set of drawings,
9 there was a waiver necessary exceeding .1 foot-candles
10 onto the adjoining properties. With the lower -- with
11 the lower pole height or mounting height, that waiver
12 will be eliminated?
13 MR. COLUCCO: Not necessarily be
14 eliminated but it will not be greater than the 4.2
15 foot-candles we currently show on the lighting plan.
16 MR. STERN: So -- okay. Waiver is still
17 required.
18 There's an issue with some architectural
19 detailing. They had depicted some wall-mounted lights
20 on the building that weren't on the engineer's lighting
21 plan. Those will be included along with foot-candle
22 distribution and -- and details?
23 MR. COLUCCO: We can add that, yes.
24 MR. STERN: 1.11, light pole -- this is
25 pretty obvious but -- light pole fixture and the light

1 poles and the fixture color should all match? 56
2 MR. COLUCCO: Yes.
3 MR. STERN: 1.2 [sic] is about replacing
4 any -- any poles that are damaged.
5 MR. HALL: 1.12, you said "2."
6 MR. STERN: Bicycle rack, detail traffic,
7 handicap signpost should specify a black color finish.
8 MR. COLUCCO: Yes. We can do that.
9 MR. STERN: 1.14 is just clarifying one
10 of your notes. A variance is -- is not needed for
11 maximum footprint. You'll revise that note?
12 MR. COLUCCO: Correct. Yes, we will.
13 MR. STERN: Okay. 1.15 regarding the
14 fence was addressed by -- by the engineer. You will
15 clean that PVC board fence? Right now, it looks pretty
16 old, but with a -- a power-washing, I think it'll look
17 brand new.
18 MR. COLUCCO: Yes, we will.
19 MR. STERN: Retaining walls, will be
20 repaired and replaced at the direction of the borough
21 engineer. They're -- they're in pretty sad shape, some
22 of those.
23 MR. COLUCCO: Yes. We'll work with
24 Mr. Russo to address any issues with the retaining
25 walls.

1 MR. STERN: And 1.20 pertains to an 58
2 affordable housing development fee. If applicable, you
3 will provide that payment?
4 MR. COLUCCO: I would defer that to our
5 project attorney, Mr. Calli.
6 MR. STERN: And I will stress, "as
7 applicable."
8 MR. CALLI: Yes. If that non-residential
9 development fee applies for us, we will certainly pay
10 our percentage of the equalized assessed value,
11 whatever that calculation is.
12 MR. STERN: Okay. I'll hold off on the
13 architectural questions for the architect, circulation
14 and parking for your traffic engineer, the conditional
15 use variances for your planner and the signage for the
16 planner.
17 There were some landscaping comments. Is
18 that something you'll be addressing or is there a
19 landscape architect that will be addressing that or
20 will Mr. McDonough address that?
21 MR. COLUCCO: I can address some of the
22 landscaping comments, yes.
23 MR. STERN: Instead of my going through
24 all those comments, are you in agreement with them?
25 MR. COLUCCO: Yes, we're in agreement

1 MR. STERN: And there are six -- since 57
2 your sidewalk on the westerly side of the building is
3 flush with the pavement, you're providing -- since you
4 don't have a curb, you're providing six yellow-painted
5 steel bollards. Can you tell us a little bit more
6 about that? There was no way to provide a curb? You
7 have to provide the bollards? This is the -- the
8 westerly side of the building.
9 MR. COLUCCO: Yes. The way the grading
10 had worked out, were proposing to maintain what was
11 existing today, which was flush curb all the way across
12 there.
13 MR. STERN: Is there something a little
14 more decorative that can be done or -- it's clearly
15 visible to the motorists but not so utilitarian? Is
16 there not an alternative?
17 MR. COLUCCO: Sure. We could look at
18 different options pending a favorable outcome and work
19 that through with you.
20 MR. STERN: All right. Thank you.
21 And at the site now, there are some
22 bollards. You see Burger King advertising on them so a
23 favorable resolution should note that signage mounted
24 on bollards is prohibited. Is there agreement on that?
25 MR. COLUCCO: Yes.

1 with your comments. 59
2 The one thing that I'll note is: Street
3 trees along Main Street, since this is within DOT right
4 of way, we would need approval from their office.
5 CHAIRMAN SANTORO: To do what? What was
6 that?
7 MR. COLUCCO: If there were any trees
8 within the DOT right of way.
9 CHAIRMAN SANTORO: To -- to what? Remove
10 them or what?
11 MR. STERN: Right now -- right now, your
12 proposal is to retain those existing street trees?
13 MR. COLUCCO: We are maintaining those
14 existing, yes.
15 CHAIRMAN SANTORO: Let me ask a question.
16 I don't want to get -- it might be early for this but
17 since you are on to the landscaping, you know, driving
18 back and forth at night, I went past this property a
19 lot of times since receiving the application, and when
20 you're heading west, not a problem. You can see the
21 property pretty well. Heading east, the --
22 One of my concerns is that -- that the
23 property is somewhat blocked by -- by Madison Eyes,
24 that -- that building next door, and then, there's
25 several -- I don't know, three or four. They're

1 borough trees in the right of way there that completely⁶⁰
2 obscure Burger King and its sign and I -- I -- I see
3 that as --
4 You know, I love trees as much as anybody
5 on Shade Tree Commission, but if it completely blocks
6 your vision, the view of your store, that's not good so
7 I'm -- I'm just wondering: Is there --
8 And, Russell, you tell me: Is -- is
9 something that could be done to help the applicant to
10 maybe remove one of those trees or do something like
11 that, so that way, whatever -- whatever signage goes
12 up, people can see?
13 MR. STERN: If I recall correctly,
14 probably one of the -- the biggest offenders, one of
15 the shade trees that blocks most of this site is
16 actually -- is located on Madison Eyes and I think,
17 from my experience, the Shade Tree Commission has
18 weighed in on some of these applications and I think we
19 need to really put that over to them. They are looking
20 at replacing some of these shade trees along the
21 highway because just about all of them are Bradford
22 Callery pears or some -- some species of that so I
23 think we would just need input from them but it is a
24 shade tree on Madison Eyes that is blocking quite a bit
25 of this site.

1 been out to the site and it is difficult to see it from⁶²
2 the east so we -- we do appreciate that and I think it
3 would help out a lot.
4 CHAIRMAN SANTORO: One of -- one of the
5 things that we're very lucky, we have our planner, who
6 is Mr. Stern, is a planner but he's also a licensed
7 landscape architect, and where he's been really
8 invaluable is, he does -- at the end of these
9 applications, he'll come back after it's built and
10 inspect and make sure everything is there but maybe --
11 maybe as part of that role, he can also work with you
12 guys on that, maybe make a suggestion to the Shade
13 Tree?
14 MR. CALLI: Certainly.
15 CHAIRMAN SANTORO: If that's --
16 Russell, if you think that -- if you buy
17 into what I'm saying, you think that that's something
18 that may be helpful?
19 MR. STERN: I think, you know, this can
20 also go hand in hand, ultimately, with the sign
21 variances that the Board will be entertaining, and as
22 you're approaching the site from the east, on the
23 demolition plan, it -- it does note retention of a --
24 they called it a white pine but it's actually some type
25 of Cyprus tree, which is very thick and pretty much

1 CHAIRMAN SANTORO: You know, what I'm⁶¹
2 trying to do is I'm trying to help the applicant
3 because, you know, they're investing all this money to
4 upgrade this building and do the signage but I'm
5 telling you right now; you -- you -- I don't think
6 you're going to have a great outcome because of those
7 couple of trees that are sitting there. I don't know
8 if you guys agree with that. Did --
9 Does the applicant agree with that? Have
10 you looked at that, Mr. Calli?
11 MR. CALLI: I -- yeah -- no. I -- I
12 definitely appreciate that effort, Mr. Chairman. I see
13 exactly what you're doing. I don't know if that was
14 explored during site plan design. I think that it is a
15 fine suggestion and we're amenable to that. I -- I do
16 think we might be shooting ourselves in the foot a
17 little bit with the -- you know, with visuals of
18 leaving certain things that maybe should go and -- and,
19 you know, vice versa on other parts of the property so
20 I appreciate your offer and thought and I -- I think --
21 if we could be flexible post-approval, I think you
22 might see some tweaks there.
23 R.J., do you have some thoughts? I know
24 you are looking at this, kind of, on the fly but...
25 MR. COLUCCO: No. I -- I agree and I've

1 does block the site, the view of the site.⁶³
2 Reviewing the drawings and looking at the
3 landscape plan, that is being -- could confirm that --
4 that, this point on the drawings, it's being retained?
5 MR. COLUCCO: Currently, it was being
6 retained, yes.
7 MR. STERN: Okay. Yeah. I think -- I
8 think all that needs to be explored along with the --
9 with the sign variances.
10 MR. CALLI: Okay.
11 MR. STERN: With kind of, like, a "to be
12 determined" type of thing.
13 MR. CALLI: And that's fine and Mr.
14 McDonough, like your a planner, is -- is also, proudly,
15 a landscape architect so I think, when John testifies
16 -- and grant it, some of this is on the fly, but
17 notwithstanding a very good offer Mr. Chairman, I know
18 it comes from a good place and think we're going to
19 certainly take you up on it if we can.
20 John, when he testifies, might be able to
21 opine as to what and where there could be tweaks up
22 front and how that does play into our signage package
23 as well so we could definitely explore that as the
24 night goes on, not just leave it a TBD post-approval
25 type thing. I think we can dig in deeper this evening,

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1 time permitted.

2 CHAIRMAN SANTORO: And if you guys have

3 to go to the Shade Tree Board, why don't you go to the

4 Shade Tree Board? Maybe Mr. Stern would write you a

5 letter or help you in some way to if he felt, simply,

6 that maybe that this would be a good thing.

7 MR. CALLI: Right, right. I appreciate

8 that.

9 CHAIRMAN SANTORO: All right. Go ahead.

10 MR. STERN: Well, they've agreed to the

11 landscaping comments subject to -- to the item we just

12 discussed.

13 So at this point, I -- I have asked all

14 my questions of the engineer.

15 CHAIRMAN SANTORO: Okay.

16 Any members of the Board have questions

17 for the engineer?

18 (No response)

19 CHAIRMAN SANTORO: Okay. I guess not.

20 All right. So I want to go to the

21 public, is that all right, Mr. Calli, see if there's

22 any questions?

23 MR. CALLI: Certainly, Mr. Chairman.

24 CHAIRMAN SANTORO: Okay. So I want to go

25 to the public.

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1 before any Planning Boards of Madison or locally?

2 MR. MAHONEY: No.

3 CHAIRMAN SANTORO: Okay.

4 Anywhere?

5 MR. MAHONEY: In New Jersey?

6 CHAIRMAN SANTORO: Yeah.

7 MR. MAHONEY: Yeah. Lacey, New Jersey

8 probably a few years ago.

9 MR. CALLI: Forked river, I think, right

10 down in Lacey?

11 MR. MAHONEY: Yeah. Brick.

12 CHAIRMAN SANTORO: All right. We'll

13 accept you. Go ahead.

14 MR. CALLI: Thank you, Mr. Chairman.

15 DIRECT EXAMINATION BY MR. CALLI:

16 Q. So, Pat, you heard a lot of our

17 discussion this evening related to what I described as

18 nice updates, modernizations of the site with a lot of

19 not just functional improvements but aesthetic and

20 here's where I think we have, really, a chance to shine

21 on this application above and beyond the wonderful site

22 improvements that R.J. is showing.

23 If you would, take the Board through --

24 MR. CALLI: And -- and -- and these are

25 either part of the package, Mr. Chairman, or they were

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1 Is there any hands raised? Bob, do you

2 have control?

3 Bob, you there?

4 BOB: Sorry. No -- no hands raised, Mr.

5 Chairman.

6 CHAIRMAN SANTORO: Okay. Thank you very

7 much.

8 Could we get our next witness? That's

9 going to be the architect, Pat Mahoney, yes?

10 MR. HALL: I'm looking -- oh. There you

11 are.

12 P A T R I C K M A H O N E Y, first having been duly

13 sworn, testified as follows:

14 MR. HALL: And you're a licensed

15 architect in the State of New Jersey?

16 MR. MAHONEY: I am.

17 MR. HALL: Okay. Your license is

18 current?

19 MR. MAHONEY: It's current.

20 MR. HALL: Joe, I don't know if you have

21 further questions.

22 CHAIRMAN SANTORO: Have you been before

23 this Board before, Mr. Mahoney?

24 MR. MAHONEY: I have not.

25 CHAIRMAN SANTORO: Oh. Okay. Been

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1 pre-marked exhibits. You're going see some color

2 elevations which we have pre-marked and we'll show you

3 shortly.

4 Q. Pat, would you take the Board through the

5 various elevation improvements we're are proposing?

6 Materials, colors and, then, we'll get into the sign

7 package thereafter. I think that might be the best way

8 to do it.

9 A. Okay.

10 MR. MAHONEY: Chris, can you pull up the

11 elevations?

12 A. While we're waiting for him to get that

13 on screen so the -- the plan of the building isn't

14 changing dramatically the main change in plan is the

15 elimination of a side door and the -- the real reason

16 that side door is being removed is to give the -- the

17 staff, from the front counter, visual control of the

18 exits so that's the reason it's moved up to the -- the

19 front of the building, specifically, faces the street

20 at the -- specifically, it faces the street at that

21 front corner because there is a -- a handicap access

22 ramp at the side, which would -- precludes from -- from

23 having the door at the front corner so --

24 MR. MAHONEY: So you want to just

25 highlight that front door with your cursor?

1 A. So that's the new front door going in at ⁶⁸
2 the -- what we think of it as the main parking area of
3 the building adjacent to it.
4 So -- so in general, the -- the building
5 elevations that exist are a more traditional Burger
6 King that that kind of look started in the late '60s
7 and '70s with a mansard roof going all around so that's
8 being updated to eliminate the mansard roofs and a
9 series of stone piers and then intermixed between
10 cement panel infill areas with glazing updated.
11 The -- the red band that we show on the
12 top of three sides of the building is typical to a
13 Burger King, generally. Now, currently that red band
14 is around all four sides to the building. We don't see
15 any need to have it on the back facing the residences,
16 which is reason we reduced it by -- by one side and
17 only have it on the three so the red band itself is
18 illuminated, doesn't -- doesn't give any appreciable
19 light to the site but it -- when lit, it is visible and
20 internally illuminated by LED lights.
21 At the midpoint of the building, there
22 are a series of canopies that surround it that are a
23 stainless finish, an anodized finish, and the -- behind
24 those are up and down lights so the down lights throw
25 some light on to the sidewalk for walking safety and

1 CHAIRMAN SANTORO: So you just have one ⁷⁰
2 "Burger King" medallion in the front?
3 MR. MAHONEY: That is correct.
4 CHAIRMAN SANTORO: Okay. And let me ask
5 you just a quick question on the -- on the -- the red
6 trim there; that's illuminated?
7 MR. MAHONEY: It is illuminated by LED
8 lights, and again, it's -- it's bright enough that it
9 -- it -- it -- it's -- it's lit through a translucent
10 panel and it's not -- it doesn't give appreciable light
11 to light the site or sidewalks.
12 CHAIRMAN SANTORO: Does it -- is there --
13 is there --
14 And this is a question for our engineer
15 as well.
16 Is there a measure of light just to make
17 sure that we know what we're getting into? Whether
18 it's a lot or a little?
19 MR. MAHONEY: We can submit the specs. I
20 mean, it -- it's not measurable at the -- at -- we
21 usually measure these things at -- at -- at ground.
22 It's not measurable at ground.
23 MR. HALL: Is there -- is there a
24 location where this model has been actually constructed
25 and in operation that people could see?

1 half the amount of light that goes down goes up so they ⁶⁹
2 go up and down to wash the -- the panels or the stone
3 fairly gently, again, not a -- not a tremendous level
4 of illumination but it -- but it's not dark.
5 So the -- the stone kind of gives us an
6 updated look. This is something specific to Carrols.
7 Burger King does not do this, generally, but Carrols
8 prefers a little more of upscale look to their -- their
9 building, which is why we use the -- the stone so the
10 stone is accenting the -- the main entrance element in
11 the drive-through windows on the -- on the drive-
12 through side of the building.
13 So on these elevations, we show a number
14 of signs, and going from the top where we see the
15 dining room elevation, this is one of the signs that
16 we've -- that we've said would be eliminated at this
17 point so there -- there would be no -- no signage on
18 that pier.
19 Going down to the front elevation, the
20 "Home of the Whopper" sign would be eliminated. The
21 logo that is on the main entrance would be retained so
22 -- and that -- that is a 5-foot-diameter sign.
23 Going down to the drive-through
24 elevation, the logo that is on the pick-up window would
25 also be eliminated.

1 MR. MAHONEY: There is and we can forward ⁷¹
2 some locations. They're -- they're -- they're --
3 they've been done in many locations.
4 MR. HALL: And if -- if -- the -- the --
5 the band of lighting, is it adjustable? If -- if
6 people thought it was too bright, could -- can you tone
7 it down? That's my question.
8 MR. MAHONEY: We've had that question
9 before and we believe, theoretically, it is possible to
10 do it. In the hundred or so locations since I've been
11 involved in, look, we've not done one but it -- and I
12 think there's a number of ways it could be done.
13 One way would be a simple way to put a
14 film on the inside of the lens to tone it down. I
15 think this kind of thing is -- is best done on site, so
16 if the issue was illumination level, a test panel being
17 put up and whether it had no film on it or various
18 degrees of a film, to me, would be the -- the most
19 reasonable way to do it as opposed to -- I -- I don't
20 that doing it in -- in your -- in the shop or something
21 is going to give a realistic look as to how it would be
22 on the site.
23 MR. HALL: Would the film be on the
24 outside? Is that how that would work.
25 MR. MAHONEY: I think the film would be

1 on the inside. 72
2 MR. HALL: Oh. Inside. Okay.
3 MR. STERN: Do you have a detail of this
4 in any of the drawings that were submitted?
5 MR. MAHONEY: There's not a detail of it.
6 We can submit the detail. It's, essentially, a very
7 thin fixture with -- with LED lights and a lens so it's
8 -- it's fairly -- a fairly simple detail.
9 CHAIRMAN SANTORO: And that -- that's not
10 permitted currently under the ordinance?
11 MR. STERN: No. So this is just a
12 question: You know, is there a logical break point to
13 this where just the illuminated portion of this red
14 accent band stops, so on that drive-through elevation,
15 it would stop at your -- at the drive-through window
16 that's -- that's closest to the roadway. On the
17 opposite side along the -- the westerly elevation,
18 maybe it stops at that second bay window at that second
19 window just because the -- this protrudes out and
20 closer to the residential zone.
21 MR. MAHONEY: There's no reason that
22 couldn't be done. They do come sections and to unplug
23 several sections could be done on site after the fact
24 or...
25 MR. STERN: I mean, this is being used as

1 members want to comment on that? 74
2 MR. CALLI: Mr. Chairman, if I might,
3 before the Board continues discussion on that point, it
4 is possible to not illuminate it at all if that is the
5 Board's desire and the majority of this Board feels as
6 though they would rather, in the borough, not have this
7 banner lit on those three elevations, we certainly can
8 have it not illuminated. It would be counter to the
9 model, the branding and what we've done at 100
10 locations but -- but certainly, it is something that is
11 possible here. Should the Board make that request, I
12 think you will find the applicant amenable in the
13 response.
14 CHAIRMAN SANTORO: Well, let me ask a
15 question: Is the "Burger King" logo there, was that --
16 was that reduced in size or is that the original size?
17 Is that the actual scale of that "Burger King" logo?
18 MR. MAHONEY: That is full scale that has
19 not been changed, the one remaining sign.
20 CHAIRMAN SANTORO: So that's going to
21 stay as proposed?
22 MR. MAHONEY: Correct.
23 CHAIRMAN SANTORO: Okay. And then,
24 there's monument so I'm looking at it holistically, and
25 then, decide on the stripe.

1 part of the corporate logo? This -- this is used by 73
2 other McDonald's [sic] or it this just your --
3 MR. MAHONEY: Burger King.
4 MR. STERN: Burger King. Wow. I'm
5 sorry.
6 MR. MAHONEY: That's okay.
7 MR. STERN: Burger King. So is it the
8 Burger King?
9 MR. MAHONEY: I don't believe it's a
10 copy-righted image, though.
11 MR. STERN: But I mean, it is used as, I
12 guess, advertising? I mean, the old school McDonalds
13 used kind of, like, the broken french fry, illuminated
14 roof rib. Other, you know -- other franchises have
15 their, you know architectural styles to recognize the
16 use so is this -- this is a -- this is a Burger King
17 tool?
18 MR. MAHONEY: This is -- this is only
19 used by Burger King, to my knowledge.
20 CHAIRMAN SANTORO: I'm not -- I'm not
21 speaking for the Board, just -- just me, personally,
22 but I'm not opposed to it but I just -- just I'm a
23 little concerned about knowing exactly, you know,
24 how -- how bright it actually is, right?
25 Anybody want to -- any of the Board

1 So there's a monument sign as well? 75
2 MR. CALLI: There -- there is a monument
3 sign, yes.
4 CHAIRMAN SANTORO: Okay. When you're
5 ready, I'd like to see that?
6 MR. CALLI: Certainly. We'll defer to
7 the Board for any questions on the elevations, talk
8 about the skin, and then, we can pull away and talk --
9 talk about the freestanding sign if -- if there are
10 none, Mr. Chairman.
11 MR. DiIONNO: A question or a comment on
12 the red bands and the red accents: You know, I agree.
13 It's just hard to tell, from a drawing, what it will
14 actually look like so I'd be interested in seeing some
15 other sites and how it functions.
16 And then, the other consideration is, you
17 know, timers. If, you know, maybe -- and in the
18 winter, when it gets dark at 5:00, okay, you know,
19 fine; from 5:00 p.m. until, whatever, 8:00 p.m., it's
20 on but, then, potentially, turn off at a certain time
21 to, you know, reduce that for the neighbors.
22 MR. CALLI: That -- that is certainly an
23 option as well, and you know, my feeling on having it
24 not illuminated is: I know the applicant is okay with
25 that, if need be, and as the Chairman said, looking at

1 this in its totality and holistically of the package
 2 we're proposing, you know, if you remember, right at
 3 the start, we said we're trying to be mindful and
 4 strike a balance here and I thought signage was going
 5 to be a large part of the discussion and you heard R.J.
 6 just peck off about half the signage when he was
 7 testifying giving you the square footage reduction, and
 8 now, you're seeing it on the plan.
 9 We're trying to achieve certain goals
 10 with signage that do matter more than others for
 11 branding purposes and for Burger King purposes, so if
 12 there is a way to temper any concerns of what the Board
 13 might feel it too much, here is certainly a place where
 14 we can do a very easy haircut with the illumination on
 15 the band.
 16 Alternatively, we can have it probably go
 17 off on a timer. That's probably pretty easy to do as
 18 well but we'll leave it to the Board's pleasure to
 19 decide what you feel is best on this site, but again,
 20 non-illuminated, certainly an option on the table for
 21 the applicant.
 22 MR. HALL: But it sounds like you could
 23 do it and take the lights out later if people didn't --
 24 thought it was too much.
 25 MR. CALLI: Yeah. I think -- yeah.

1 didn't happen but -- but that is something the Board
 2 could impose if it wanted to.
 3 MR. STERN: Just -- just let -- let --
 4 MR. CALLI: Mr. Chairman, you know --
 5 I'm sorry, Russ.
 6 I -- I -- I think that, you know, as Mr.
 7 Mahoney said: In the field is the best place to
 8 probably test this out, whether or not we were going to
 9 dull the lights with film or not. I mean, if -- if --
 10 and this may look very nice. The Board may, in fact,
 11 like it illuminated versus not. This is not 1990 neon
 12 we're talking about here. It's pretty sharp-looking,
 13 so if the Board said "Leave it as is, illuminated," but
 14 if, in the field, we, as a Board, meet in October and
 15 say -- or you know, whatever month you meet after it's
 16 up and running it's too much, you tell Frank; you tell
 17 Russ. They tell us, and you know, administratively,
 18 you agree to tone it down or lose it if -- if the Board
 19 decides upon, you know, field inspection when it's up
 20 and running that it's -- it's not what we all thought
 21 it would be, that's probably an alternative as well
 22 we'd be interested in because, again, we proposed it
 23 with the illumination. We think -- we think it looks
 24 good. We like it. It programs well at, you know,
 25 many, many sites so we're all for giving it a shot,

1 That's --
 2 MR. HALL: Is this what I've heard that
 3 -- from Mr. Mahoney that you could -- one option is to
 4 take the lighting out and leave the band; is that
 5 correct?
 6 MR. MAHONEY: You don't have to take the
 7 lighting out. Only thing you do is disconnect the
 8 power source from the light --
 9 MR. HALL: Okay.
 10 MR. MAHONEY: -- so it's very easy.
 11 MR. HALL: Yeah. I think people are just
 12 concerned about the unknown, not knowing, and, if
 13 there's an adjustment clause in there, it would seem
 14 like that might be doable.
 15 CHAIRMAN SANTORO: Well, that -- that's
 16 -- I'm not saying we want to do it but that's what we
 17 did with the Investor's Bank because they had the
 18 drive-throughs over there and it was, you know, a
 19 considerable amount of lighting involved in that for
 20 safety, given it's a bank and everything, and we did
 21 have a condition in there where the residents -- and it
 22 was also more or less in the one street. Alexander is
 23 residential, where we pull out a review after six
 24 months, so if there was complaints or people were
 25 upset, the applicant agreed to dial it back which that

1 subject to the Board's review in the field thereafter.
 2 MR. RUSSO: Right.
 3 CHAIRMAN SANTORO: But this is very
 4 unique, this situation.
 5 Who's -- who's speaking? Frank?
 6 MR. RUSSO: It's me. Just something to
 7 consider, the hours of operation of the Burger King are
 8 7:30 a.m. until midnight, so you know, if this is going
 9 to be illuminated until midnight every night, you know,
 10 it -- you know, how much is too much?
 11 MR. STERN: Yeah. Something to consider
 12 is, you know, with Burger Kings, this has been present
 13 on others but you have -- you -- you have to take a
 14 look at the actual location of this. This is not a
 15 Route 10. This is not a major highway, Main Street.
 16 This is not a major highway in terms of the speed
 17 limit, in terms of the building setback. This is not
 18 your traditional suburbia. I -- there is a concern
 19 with the closeness of other buildings and properties to
 20 this that -- that it may not be appropriate, and with
 21 all the other signs, if it's a guaranteed it's not
 22 going in, I think that may make some decisions on the
 23 other signage easier.
 24 But I have seen this elsewhere and those
 25 are on major highways where the buildings are set back

1 substantially about a good hundred feet. They do have⁸⁰
2 that red branding parapet. It's not -- I don't think
3 it was this treatment because this is more old school
4 but that is a different setting. You have to think
5 about the density that we have here with all the other
6 land uses and the fact that the building does go out,
7 doesn't go into the residential district but, you know,
8 it's -- it's -- it's close to it. You know, it is a
9 red with the -- with the extended hours of operation to
10 midnight.
11 CHAIRMAN SANTORO: Could -- could we --
12 could we see the sign so we could a sense of what that
13 adds to the whole framework here?
14 MR. MAHONEY: What do we need to do for
15 R.J. to share that?
16 MR. CALLI: And, Mr. Chairman, why we're
17 trying to share that screen, I will tell you that,
18 speaking with the applicant this evening and now
19 hearing the Board's concern and thoughts about the
20 band, the applicant is going to take illumination
21 completely off the table with the red band. We don't
22 need to look to at it in the field and see if you like
23 it or not. We don't need to tone it down. We don't
24 need to have a timer. The request to illuminate it is
25 withdrawn.

1 monument sign detail and it looks like we've got it up⁸²
2 now.
3 FURTHER DIRECT EXAMINATION BY MR. CALLI:
4 Q. So, Pat, if you would like to walk the
5 Board through this proposed monument sign, its area,
6 size, location, we could start chatting about the --
7 the monument sign.
8 (No response)
9 MR. CALLI: The architect might not be
10 back yet, Mr. Chairman.
11 CHAIRMAN SANTORO: He's trying to talk.
12 Yes. It's on mute.
13 Mr. Mahoney, you're on mute.
14 MR. MAHONEY: I got it. Sorry.
15 CHAIRMAN SANTORO: It's okay.
16 MR. MAHONEY: Chris, can you pull that up
17 a little bigger so we can see those dimensions?
18 A. So we can see, from here, that the -- the
19 base is the -- the same stone we're using on the
20 building and in the top of this round logo which is
21 similar to the building one, both in -- it's the same
22 size as the -- the single logo on the front of the
23 building and the top of that is at 8 feet, where the
24 current sign is at 12 feet and this also is an
25 internally-illuminated sign.

1 CHAIRMAN SANTORO: Thank you. Okay.⁸¹
2 MR. CALLI: Make it easier.
3 MR. STERN: The next question is: What
4 happens to the top of the parapet? Is it just a non-
5 illuminated, red accent band?
6 MR. MAHONEY: Correct.
7 MR. STERN: Tile?
8 MR. MAHONEY: It's a -- it's a -- a
9 polycarbonate panel that's red. It just wouldn't be
10 illuminated on the inside.
11 MR. STERN: Okay.
12 CHAIRMAN SANTORO: Okay?
13 MR. CALLI: And Pat and Chris, I believe
14 you're trying to pull up the monument sign detail now?
15 CHAIRMAN SANTORO: I think -- R.J., I
16 think you're pulling that up?
17 MR. COLUCCO: I'm looking for it now if
18 you guys could pull it faster than me.
19 MR. CALLI: All right. So you know what
20 we're going to do is, we're going to take a five-minute
21 break while you're pulling that up so it's 9:09, so
22 five minutes from now, we'll pick up. Okay?
23 (Recess taken)
24 MR. CALLI: When we left off, our
25 architect, Pat Mahoney was going to bring up the

1 MR. STERN: So could you tell the Board⁸³
2 what the ordinance provisions are? It's a non-
3 illuminated sign. Could you go over those requirements
4 with the Board?
5 MR. MAHONEY: Do you have -- Andy?
6 Hold on one second here.
7 MR. COLUCCO: Yeah. I believe it's a 6-
8 foot height that's allowed.
9 MR. STERN: And 20 square feet.
10 And what's the signage area?
11 MR. COLUCCO: 20 square feet. The
12 proposed area is 19.6, I believe.
13 Pat?
14 MR. MAHONEY: Yeah, if it's measured
15 round, it is. If it's measured where --
16 MR. FOSTER: 19 -- 19.6 on each face,
17 though.
18 MR. COLUCCO: Correct.
19 MR. STERN: Each side, right.
20 And the -- the setback that is required
21 is -- is that 10 feet and you're proposing the 2 feet,
22 but then, you're saying that's preexisting?
23 MR. COLUCCO: Existing to remain,
24 correct.
25 MR. STERN: Okay.

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1 CHAIRMAN SANTORO: What was existing to
2 remain? Say that again?
3 MR. COLUCCO: 2 feet.
4 CHAIRMAN SANTORO: What was 2 feet?
5 MR. COLUCCO: The setback.
6 CHAIRMAN SANTORO: Oh. The setback is 2
7 feet. Okay.
8 MR. CALLI: Yes. So we're -- we're --
9 we're maintaining that, and again, I'll -- I'll kick it
10 back to our expert but -- but our goal here, Mr.
11 Chairman and members, was: Modernization, upgrade,
12 bringing this into the proper century here with a sign
13 that was not tacky, not garish, but appropriate and
14 correspond and communicate with the new building facade
15 that we are bringing. The pin banner, "Burger King"
16 tied to the front facade, the stone material so
17 notwithstanding the interior illumination and the
18 height of 8 feet, which is the disparate by 2 of 8. We
19 are -- we think that this is, you know, an appropriate
20 sign for many reasons, including just the overall
21 aesthetic improvement for the site. Although, it -- it
22 is a little bit taller, which we think actually could
23 be brought down but location, maintaining that location
24 is paramount to us. We do want to upgrade the sign to
25 what you see here before you versus what you've got in

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1 MR. CALLI: Exactly.
2 MR. STERN: Do -- do you have a -- a
3 comparative side elevation of the existing sign? Is --
4 is the existing sign, approximately, the same signage
5 area? We said the height was a little taller. Can you
6 compare those two and -- and possibly provide us an
7 elevation of the two side by side?
8 MR. COLUCCO: That's -- that's something
9 we could prepare yes. What I will say is: The
10 existing sign is about 25 square feet so that's an
11 existing nonconformance we're reducing to 19.6, which
12 is in conformance. The exiting sign height is 12 feet
13 and we're reducing to 8 feet.
14 MR. RUSSO: There's a -- there's a photo
15 of the sign in my review memorandum on Page 2.
16 MR. STERN: You think the medallion
17 itself is, roughly, the diameter of what you're
18 proposing right now?
19 MR. COLUCCO: Could you repeat that Mr.
20 Stern?
21 MR. STERN: In the -- the photograph in
22 Mr. Russo's memorandum, it shows the existing
23 freestanding sign and you have that traditional "Burger
24 King" medallion within a square frame. Is the
25 medallion itself, roughly, the dimension of -- of --

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1 the field today and that does bring with it some
2 deviations.
3 CHAIRMAN SANTORO: Can we see what it
4 looks like? Do you have an elevation of what it would
5 look like in front of the building?
6 MR. CALLI: I don't know if we have the
7 streetscape rendering of this monument sign detail.
8 I'm not certain if anybody -- no. I'm seeing heads
9 nodding. In don't think we rendered this on a detail,
10 Mr. Chairman of what you would see from different
11 distances and vantage points on the street. Certainly,
12 something we could do if you were included to want to
13 see that but we do not have that for you tonight; I'm
14 sorry to say.
15 CHAIRMAN SANTORO: So it's -- and it's
16 located where -- where on the property? I don't
17 remember exactly. You know, is it in the center? Can
18 you point to where it would be positioned, the monument
19 sign?
20 MR. CALLI: I'm trying to show you right
21 now with the cursor, Mr. Chairman.
22 CHAIRMAN SANTORO: Right there?
23 MR. CALLI: Right.
24 CHAIRMAN SANTORO: So it's kind of where
25 the old sign was?

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1 diameter of what's being proposed right now for the
2 monument sign?
3 MR. COLUCCO: It's similar. I don't have
4 an exact number for you.
5 MR. RUSSO: It's close; it's close.
6 CHAIRMAN SANTORO: And I would suppose
7 you -- and it sits up, what? About 3 feet off the
8 ground? About how high up --
9 MR. STERN: It's about 6 feet.
10 MR. COLUCCO: 6 or 7 feet.
11 MR. RUSSO: About 6 or 7 feet off the
12 ground.
13 CHAIRMAN SANTORO: Okay. But the
14 medallion, the bottom of the medallion is about how
15 high? That's about 3 feet off the ground or 4 feet off
16 the ground?
17 MR. COLUCCO: On the proposed or
18 existing?
19 CHAIRMAN SANTORO: Proposed.
20 MR. COLUCCO: It's --
21 MR. RUSSO: It would be 3 feet.
22 CHAIRMAN SANTORO: So I would think it's
23 got to stick up, at least, that much because you're
24 going to have landscaping around the bottom of it,
25 right? And -- because I know --

1 And every application is unique. Okay? 88
2 When we did the Investor's Bank down the street, you
3 know, they came in with a -- a big monument sign and
4 they whittled it down a lot and it's very low to the
5 ground, and as I was even going by today and looking at
6 it, it was maybe too low to the ground, to be honest
7 with you, because it's partially obscured just by the
8 natural growth around it so I'm -- I think I'm okay.
9 with -- with the size and the scale of this, to be
10 honest with you. I don't know how everybody else feels
11 but I want to certainly hear Russell's view on it from
12 -- as a planner, but the Board reaction, I'm interested
13 in the Board's reaction to this.
14 MR. FITZSIMMONS: Joe, it's -- it's Tim.
15 I'll -- I'll -- I'll go first.
16 I mean, like, aesthetically, it's -- it's
17 certainly an improvement from what's there and you can
18 kind of see what there's even better on a couple of the
19 existing site pictures that are online and I agree. I
20 mean, height, you can't go much lower. If you look,
21 there's -- you know, there -- there are -- there are
22 shrubs. There are shrubs under the existing sign
23 that's 12 feet high and it almost touches the bottom of
24 the sign. I mean, bringing it down another 4 feet, I
25 think the landscaping is nice to have there around the

1 CHAIRMAN SANTORO: Un-mute. 90
2 I think he's on mute.
3 Un-mute, Roger.
4 MR. PAETZELL: Okay. You got it now?
5 CHAIRMAN SANTORO: Okay.
6 MR. PAETZELL: Okay. I'm looking at the
7 existing sign, which is, apparently, 6 feet off the
8 ground or 7 and the bushes are already up to that. I
9 -- I couldn't see having any -- any shorter than 3 feet
10 like the proposed plan is. I -- I think you're going
11 to have to get those bushes trimmed up pretty well and
12 just -- in order to see the new proposed sign so I -- I
13 certainly think it's acceptable to me the way it's
14 proposed.
15 CHAIRMAN SANTORO: And -- and this would
16 -- by the way, this would be a little bit closer, then,
17 to the street than this existing sign, is that right,
18 or is it the exact same location?
19 MR. COLUCCO: No, it's the same setback,
20 same 2-foot setback.
21 MR. STERN: But the -- where would that
22 2-foot setback start from? The very -- closest edge of
23 the stonework on the monument portion of the sign?
24 MR. COLUCCO: Well, yes. It would be,
25 yes.

1 base so this height, just, I think, has to -- I mean 89
2 this is kind of where it has to be for it to be visible
3 and -- and you do want it to be visible because you
4 don't want people, sort of, not seeing it, not
5 expecting it and slowing down and causing other issues
6 on -- on Main Street as they -- as they abruptly slow
7 down without seeing the sign so I'm okay with it.
8 CHAIRMAN SANTORO: Let's hear from some
9 other Board members.
10 MR. FOSTER: This is -- this is Jim.
11 As -- as much as I would prefer not to
12 have things be illuminated since that's what the
13 ordinance says, I guess my reaction with the
14 elimination of the other signage and with the
15 consideration that, as you've you pointed out, Joe, if
16 you were driving east on 124, the current sign can be
17 difficult to see, I guess I could go along with the
18 proposed monument sign because being illuminated, I
19 think it eliminates or could eliminate a lot of the
20 visibility issue you've pointed out with the existing
21 sign, so you know, the illumination not to be desired
22 but, in this case, it may be the best answer here.
23 CHAIRMAN SANTORO: Now, Roger, what do
24 you think?
25 (No response)

1 CHAIRMAN SANTORO: Okay. 91
2 MR. STERN: There is no obstruction of
3 any sightlines? This is to the engineer because it is
4 so close to the roadway.
5 MR. MAHONEY: Well, here -- here's the
6 thing: That -- that's an --- that's an entrance only
7 so there's no impact to the entrance.
8 MR. STERN: It's just that it's next to a
9 handicapped parking stall that would be, potentially,
10 backing out.
11 MR. COLUCCO: Our traffic engineer can
12 provide some testimony on that.
13 MR. STERN: Okay.
14 And then, because of its closeness to the
15 roadway, just a concern, is the illumination dimmable?
16 Can it be dimmed if there -- sometimes signage could be
17 so bright it could -- it really creates a distraction
18 so if there is a concern by the police that it's just
19 too bright because this'll -- I imagine will be the LED
20 lights within it, if it's too bright and at the request
21 of the police, it will be dimmed. Is that -- is that a
22 possibility?
23 MR. COLUCCO: Pat, can you confirm it can
24 be dimmable, similar to the building-mounted lights?
25 MR. MAHONEY: I think, theoretically,

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1 it's possible. I don't believe our sign people have
2 ever done one, but again, the same kind of principle I
3 think I mentioned with the -- with the red band.
4 There's no reason a film couldn't be put over this from
5 the inside if that was the case so I think the answer
6 is yes. It could be -- but it could be done.
7 MR. STERN: Okay. If it -- if it was
8 that bright to be a hazard.
9 MR. MAHONEY: Yes.
10 MR. STERN: And in your mind, there's
11 no -- there's no -- there's no alternative setting it
12 back any further, whether it's 5 feet, just seems
13 counterproductive for this application?
14 MR. CALLI: I could speak to that,
15 Russell.
16 It's -- the applicant would rather
17 maintain the existing sign with that visual rather than
18 propose this wonderfully-looking new sign at a further
19 setback. They think that that is -- is much more
20 critical at the location, so again, we're just
21 maintaining existing, setting it back further as far as
22 a visual standpoint, our traffic engineer could speak
23 to that as far as the impact for motorists and -- and
24 the like and leaving a parking space, but just from
25 a -- a position standpoint on behalf of ownership, the

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1 think, very attractive design, I can't really see
2 making it smaller or moving it anywhere else because,
3 then, you won't see the building and I still -- I still
4 have the concern that, with all of the trees and things
5 that are over in that corner, even with the lighting
6 there, I -- I still think it needs to be cleared out a
7 little bit; that needs to be addressed because I think,
8 for an applicant to spend this kind of money, you want
9 to make sure that, at least, you could find the
10 building.
11 MR. STERN: Right. The -- the -- the
12 stone is a very nice design element and it would cover
13 it so quickly with landscaping.
14 CHAIRMAN SANTORO: So I don't have -- is
15 -- is any members of the Board opposed to the design
16 here or want to throw in an idea or critique?
17 MS. DeROSA: I wouldn't say that I'm
18 opposed to it but I do have misgivings about the
19 illuminated sign. I -- I don't feel like that -- I'm
20 not -- I'm not convinced that's the way the Madison
21 streetscape should look.
22 CHAIRMAN SANTORO: Anybody else?
23 MS. DeROSA: I'd like to mention that I'm
24 not opposed. I -- I also feel they've tried hard to
25 bring it down to bring attention to Burger King but not

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1 location is critical to them and maintaining that is
2 paramount, so if this sign could not be located there,
3 I think what we -- what we'd be seeing in perpetuity
4 or, at least, for the foreseeable future would be what
5 you have out there today, which is certainly not this,
6 and I think the opinion of most.
7 MR. STERN: Question: Since the signs
8 been there so long, are the flood lights functioning?
9 Are they skewed out towards approaching traffic? That
10 tends to be what happens with ground-mounted lights.
11 MR. CALLI: It's an imperfect scenario.
12 I can't speak to what's happening in the field perhaps
13 one of our experts can but that's sort of made to fail
14 with time.
15 MR. STERN: Uh-huh. Okay.
16 CHAIRMAN SANTORO: I'll tell you; I want
17 to move this along. I'll -- I'll -- I'll tell you how
18 I feel. I -- I feel like, on the overall signage, that
19 the applicant has made some significant amendments to
20 its proposal, you know, withdrawing the illumination on
21 the -- the strip that goes around the top of the
22 building, removing, I think, two of the logos, right,
23 have been removed? You've got one on the front, which
24 you need, and then, I you have to -- I think you need a
25 monument sign, a modern monument sign, and this, I

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1 overly-excessive in view of the fact it's already, you
2 know, lower than the previous one and the other
3 improvements that are made to the design and what have
4 you.
5 But I do like the idea of the dimmable
6 lights if that is a possible because, right now, we
7 don't really know and I think -- I think it should be,
8 you know, a serious consideration by condition because
9 I don't -- I don't think -- I think, leaving it to the
10 police department, for safety reasons, that's important
11 but I think we're looking beyond just the safety.
12 We're looking at how does this fit the streetscape and
13 I think that's what Helen is trying to do, bring it
14 down a little bit. The only way I think it can be
15 brought down is with having dimmable lights but not
16 eliminating the lights because you do need to have the
17 motorist, as they're driving along, have that catch so
18 that you can see that this is -- this is the Burger
19 King that they're approaching so we can't take -- we --
20 we shouldn't take that away from the business. You
21 know, it's been a business that's been there a long
22 time and -- and they are trying hard to meet our -- our
23 ordinances and our demands.
24 So that's where I stand.
25 CHAIRMAN SANTORO: I think -- I think

1 that's insightful. I appreciate what you've just said.
 2 You know, I've been wrestling with this
 3 myself in that I sometimes drive past places in Chatham
 4 where they only have -- they don't have any illuminated
 5 signs and a great example would be the Hickory Tree
 6 Plaza. Unless you live right there and drive in there
 7 all the time, you wouldn't even know what's in there
 8 because nothing is lit --
 9 MS. DeROSA: Yeah.
 10 CHAIRMAN SANTORO: -- and even if you go
 11 in there, you may not even know what -- everything
 12 that's in there so I think it doesn't -- to some
 13 degree, some sign ordinances, they make them so small
 14 and they're so -- such a lack of illumination that it
 15 does a disservice to the vendors, the public and -- and
 16 the town. They take it too far so I -- I know one
 17 thing I'm going to suggest, being on the Steering
 18 Committee for our Master Plan, is to maybe do a study
 19 and maybe our ordinances need to evolve a little bit
 20 along those lines and as we -- I just want to throw
 21 this in: As -- as I've gone up and down, I know
 22 Russell has and really studied the signage on -- on
 23 that side of town, the eastern side of town is -- there
 24 are some real outliers there that I can't -- I can't
 25 figure out how they even got there and it must have

1 been maybe predated the ordinances so there's some back
 2 stuff there but there's a lot of other modest things
 3 and I felt like what we -- what we need to do here is
 4 try and be reasonable and try to come up with something
 5 that works for the -- for the borough and the neighbors
 6 as well as the applicant and not be so stringent on
 7 this that it makes life difficult for them and
 8 everybody else.
 9 So does anyone else --
 10 Mary Sue, you want to throw something out
 11 there?
 12 MS. SALKO: Just I align to all the
 13 remarks that have been said and I can kind of weigh
 14 both thinking. I mean, it is attractive. I don't
 15 think it's garish, in any way, and you know, the
 16 considerations around being dimmable, I think that's a
 17 -- that's a great thing. I think the applicant is
 18 working with us on that.
 19 You know, just a personal remark, when
 20 you're going to the Starbucks that sits you know prior
 21 to this site, it doesn't have a sign on the -- on the
 22 front lawn there. It's just on the building, and so
 23 many times, I'll be following a car there, and all of
 24 the sudden, they'll pull into the parking lot because
 25 there's nothing really to, you know, draw their

1 attention that Starbucks is there and they -- you know,
 2 they're just haphazardly passing by it so I think for
 3 just a safety reason I think that this sign is just is
 4 very good as well.
 5 Thanks.
 6 MS. DeROSA: But I do have -- one
 7 question. The stonework at the bottom of the monument,
 8 how far up does that go?
 9 (No response)
 10 MS. DeROSA: Could that question be
 11 heard?
 12 MR. MAHONEY: Yeah. It looks like 5 feet
 13 4.
 14 MR. STERN: Yeah. It's about 2 and a
 15 half.
 16 MS. DeROSA: 5 feet 4. Okay.
 17 MR. STERN: Yeah. It's about 2 and a
 18 half feet from -- to the bottom of the medallion.
 19 MS. DeROSA: Okay. Thank you.
 20 CHAIRMAN SANTORO: So I -- I think, if
 21 the Board -- if the Board, I hear a consensus here, it
 22 would make sense that people are in favor of this, if
 23 -- if we can have a condition that it is dimmable and,
 24 if, at some point until the future, the applicant was
 25 asked to dim it, they would do that? Is that kind of

1 where we're at, guys?
 2 MS. DeROSA: Yes.
 3 MS. SALKO: Yep.
 4 CHAIRMAN SANTORO: Roger, are you good
 5 with that?
 6 MR. PAETZELL: Yeah. I'm fine with that.
 7 I'm fine with it lit up, you know, but that's great.
 8 Dimmable is fine.
 9 CHAIRMAN SANTORO: How does the applicant
 10 feel about that?
 11 MR. CALLI: We are fine with that, Mr.
 12 Chairman. We think that's very well measured and we
 13 appreciate the Board's appreciation for this new sign
 14 and all of its details. The dimmable nature of it is
 15 achievable and that condition is certainly acceptable.
 16 CHAIRMAN SANTORO: Okay. So if the
 17 borough came to you six months after this is completed
 18 and said -- you know, the zoning officer came to you
 19 and said you need to dim that sign, you're going to do
 20 it?
 21 MR. CALLI: Yes.
 22 CHAIRMAN SANTORO: Okay.
 23 Gary, you got that?
 24 MR. HALL: Yeah. I'm just trying to
 25 decide -- understand who would make that decision and

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1 what would trigger it.
2 CHAIRMAN SANTORO: I was thinking the
3 engineer, the town engineer, but who knows? Because
4 they have to be able to evaluate whether it's been done
5 or not.
6 MR. HALL: Well, you're -- you're not
7 contemplating anything coming back to this Board; is
8 that correct?
9 CHAIRMAN SANTORO: No.
10 MR. HALL: Okay.
11 CHAIRMAN SANTORO: Only if they wanted to
12 change the condition but no.
13 MR. HALL: I guess anybody could always
14 ask the Borough engineer to take a look at it; is that
15 -- I'm sorry.
16 Larry?
17 MR. CALLI: I'm just saying, my Thursdays
18 are pretty open, Mr. Chairman. I'm glad to come back
19 to this Board any time you want to have me.
20 (Laughter)
21 MR. HALL: It might be different people
22 next year. Who knows but I'm trying to avoid that. I
23 don't know if you want that but...
24 MR. CALLI: Then, make it administrative,
25 Gary; administrative is better.

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1 -- I don't think any Borough engineer or Zoning Officer
2 would be out there every month them to change it. I
3 think it should just be ongoing and I don't think --
4 MR. HALL: Well, I was just starting --
5 suggesting a time period before it started.
6 MR. STERN: Let's say four months.
7 MR. HALL: Yeah. Not -- yeah. Not
8 before within -- anytime four months and after and more
9 than once is what you're suggesting.
10 MR. STERN: And as -- as needed.
11 MR. HALL: Yeah -- no. We can leave that
12 open.
13 MR. STERN: Okay. But you know, the
14 concern is, yeah, it's a -- it's a 2-foot setback from
15 the roadway. It's, you know, not suburbia and I think
16 this is -- this is a good condition associated with it
17 -- with it.
18 MR. HALL: Yeah. Well, that's fine and
19 that's fine.
20 CHAIRMAN SANTORO: So, Russell, on the
21 whole, you've heard the Board speak, as a planner, and
22 you're -- you're an expert in this so it -- does it
23 sound like good -- good position we -- we've...
24 MR. STERN: I think -- I think the Board
25 is going in a -- in a good direction on this but we

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1 MR. HALL: I'd say with the Borough
2 engineer...
3 MR. STERN: With input -- yeah. With --
4 who could obtain input from other --
5 MR. HALL: Yeah. With -- yeah -- no.
6 That's always had --
7 MR. STERN: -- Board members or -- yeah.
8 MR. HALL: Somebody before, on the other
9 one with the band, which is now academic, it mentioned,
10 I thought, a six-month check-back? Does it need -- for
11 any time? I think it -- not before six months after
12 CO. I would think you'd want it out there for a while.
13 I don't know. I'd throughout that out if that matters
14 or not or be open-ended that's...
15 CHAIRMAN SANTORO: Well, you should --
16 well, you should have -- it -- it should be measurable.
17 It should have time -- a time constraint attached to it
18 so from maybe, you know, within six months of when they
19 get their CO that the borough can come back and comment
20 on the sign. Would that be reasonable?
21 MR. STERN: That -- that sounds -- that
22 sounds reasonable but I think the condition needs to
23 remain because sometimes franchises are sold; sometimes
24 there's a different operator. They're not aware of any
25 of these resolutions and to have it continuing I don't

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1 still need to also hear the monument sign variance in
2 -- in context, now, to the wall sign proposal.
3 CHAIRMAN SANTORO: Monument so explain
4 that exactly?
5 MR. STERN: There is a proposal, also,
6 for the wall sign. If the applicant can, go over, in a
7 little more detail, the wall sign proposal?
8 CHAIRMAN SANTORO: So this is the -- this
9 is the medallion on the front of the building?
10 MR. STERN: Yeah. Medallion on the front
11 of the building.
12 CHAIRMAN SANTORO: Okay. Was that the
13 same size?
14 MS. KAAR: Yeah. Yes. 5 feet.
15 MR. STERN: Bricked.
16 CHAIRMAN SANTORO: Do we -- do we -- do
17 we feel like that should be different? I just assumed
18 it would be the same.
19 MR. CALLI: Pat, if you could, briefly,
20 give the Board as sense as to the -- the appropriate
21 size of that sign to scale of that the wall that it's
22 on, the facade it's on. That -- that might help the
23 Board understand where we arrived at the size that we
24 did for that sign on the wall.
25 MR. STERN: And also -- also the distance

1 from the freestanding sign.
 2 MR. MAHONEY: R.J., maybe you can give me
 3 -- pull up the site and make an estimate of what that
 4 distance difference is.
 5 But while we get the elevation, so
 6 essentially, we -- we've got a fairly large filed of
 7 stone, essentially, almost 10 feet wide and a little
 8 higher, so to have 5-foot radius in there, it takes up
 9 in the range of about 15 percent of that area, which we
 10 think is wise -- aesthetically is a good -- a good
 11 feel.
 12 We do use logos, occasionally, that are
 13 larger than this but the -- and sometimes we use
 14 smaller ones. When -- the problem we have with the
 15 smaller ones, is that, at -- at a certain size, they
 16 just don't -- don't seem to function terribly well
 17 identifying the building so...
 18 MR. STERN: So the standard, the -- the
 19 D3 variance that's needed for this sign, it's under 30
 20 square feet. Is that -- is that at the 19.6 square
 21 feet?
 22 MR. MAHONEY: Yeah. I'm going to pull it
 23 up here.
 24 MR. HALL: That's what the monument sign
 25 says.

1 MR. HALL: Okay. I don't have that. I
 2 have up in the chart. It's a 1 and a half square feet
 3 per linear foot or something.
 4 MR. STERN: In my mind, you know, in the
 5 -- so this a standard specifically in the traditional
 6 use of the drive-through restaurants. Once you go to
 7 that -- that table then, you're confused.
 8 MR. HALL: That allows internally-
 9 illuminated signs, the table does, because it
 10 references the CBD zone.
 11 MR. STERN: And you have -- going up and
 12 down Main Street, you have a mix of -- of uses with
 13 internally-illuminated signs with ground-mounted
 14 floodlights illuminating the facade signs and, also,
 15 overhead lights attached to the -- to the building
 16 wall.
 17 Mavis, located next door, has an
 18 illuminated pylon, has an illuminated wall sign
 19 internally-illuminated. I can't recall Starbucks, but
 20 if you go all the way down to Dunkin' Donuts, the wall
 21 sign is non-illuminated but it's illuminated by
 22 overhead, kind of, like, cane lights and it has an
 23 illuminated pylon sign. Signage illumination and size
 24 is just, really -- is across the board within the CC
 25 zone.

1 MR. MAHONEY: Yeah.
 2 MR. STERN: So for the Board's
 3 information, the variance that's -- that's required for
 4 the wall-mounted sign, when you just look at the wall-
 5 mounted sign as it relates to drive-through
 6 restaurants, it's a fact that it is supposed to be non-
 7 illuminated, so basically, the code would say you have
 8 to light it by ground-mounted floodlights or by, kind
 9 of, like, overhead lights, architectural overhead
 10 lights that come out of the wall so that's -- that's
 11 what you're -- you're looking at.
 12 The ordinance is pretty convoluted. In
 13 fact, they include -- in terms of technicalities, they
 14 include even the menu board signs as part of the sign
 15 area, but if you're just looking at the provision in
 16 the drive-through restaurants regarding a wall sign, it
 17 says you're allowed one wall sign not to exceed 30
 18 square feet and it must be non-internally illuminated.
 19 MR. HALL: Russell, where is that
 20 requirement? That's what I've been trying to find.
 21 MR. STERN: That was in --
 22 MR. HALL: Is that in the table or in the
 23 text somewhere?
 24 MR. STERN: That's in the text of the
 25 drive-through.

1 MR. HALL: Would it make sense for this
 2 to be internal if it's the same size as the monument
 3 sign? Is that relevant? The fact that people are
 4 saying, "All right; the -- the monument, internal is
 5 okay," is the same analysis applied to the -- this wall
 6 sign or is that -- that irrelevant?
 7 MR. RUSSO: Well, actually, the monument
 8 sign in the CC zone, there's no prohibition for
 9 internal illumination. I made a mistake in my review
 10 memorandum. The internal illumination on the building-
 11 mounted has the 1 and a half --
 12 MR. HALL: No.
 13 MR. STERN: No.
 14 MR. HALL: Look at the table. It says
 15 only external illumination only for the CC zone. Am I
 16 missing something?
 17 MR. STERN: Yeah. Both of them are
 18 supposed to be non -- non-illuminated -- not internally
 19 -- no internal illumination.
 20 MR. HALL: That's what I see on the
 21 chart, yeah, and the schedule, whatever.
 22 MR. STERN: Yeah. And that's also within
 23 the -- the drive-through restaurants.
 24 MR. HALL: Okay. That's a variance for
 25 the -- for the internal.

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1 MR. STERN: Yeah. I think something for
2 the applicant to -- to talk about, maybe for the Board
3 to discuss is: Since signage is -- is across the board
4 here along -- along Main Street, you know, can this be
5 addressed in another manner? Can it be addressed by
6 overhead -- an overhead type of wall light that comes
7 out and illuminates the medallion? I -- I would say
8 ground-mounted lights would be ruled out. Is there
9 another type of sign? And I only really bring this up
10 is because of the -- the distance that this sign is
11 from the illuminated monument medallion. They're -- I
12 think they're, like, 30 feet away.
13 MR. CALLI: We'll get to that. That's
14 certainly part of our direct testimony. You beat us to
15 it on the discussion. Mr. McDonough is going to
16 testify as to the variances and this button sign is
17 what's proposed. We're not proposing to reinvent the
18 sign from scratch. This is the proposed sign. It's
19 been designed by an architect. It communicates with
20 the building. It's part of Burger King's program.
21 It's appropriately sized and scaled and Mr. McDonough
22 will speak to the variances but at this -- you know,
23 almost 10:00 at night, to suggest, is there another
24 kind of sign? I -- I -- I understand your effort,
25 Russell, but the short answer, for the sake of brevity,

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1 MR. HALL: What -- what about the same
2 dimmable condition we just talked about for the
3 monument sign? We have the same thing for both? I
4 mean -- does that solve the problem or no?
5 MR. CALLI: I don't see -- I don't see
6 why we couldn't do that from our end, as the applicant,
7 Gary.
8 MR. HALL: Yeah. I'm just throwing it
9 out. They're both similar signs, and if -- and I
10 assume they're going to be the same illumination if --
11 you know? I don't know. I just throw that out as a
12 compromise or a suggestion.
13 MR. CALLI: You know what? If the
14 illumination levels don't match, it looks like were a
15 few bulbs short and we haven't done our, you know,
16 repair work in the field, right? So, yeah. That's --
17 that's a good point. They -- they need to sort of look
18 alike in many ways including, I guess, the -- the
19 illumination intensity.
20 MR. RUSSO: Yeah. I just assume we were
21 going to do it on both.
22 MR. CALLI: Right.
23 CHAIRMAN SANTORO: Hey --
24 MR. MAHONEY: You submit that, for the
25 record, the two -- the wall sign and the -- the

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1 is no. What's being proposed is what you have and we
2 think that the justifications are.
3 Recall, we walked into this Board with
4 three of those signs with a very straight base, not
5 thinking that we were going to give them up. That
6 wasn't part of a game plan. This is the program of
7 Burger King that they're rolling out and this is part
8 of our site betterment that we are trying to do here.
9 We've tailored it down tremendously to this one sign on
10 the building, one.
11 CHAIRMAN SANTORO: I'm not sure -- I'm
12 not sure that I would like to see it other than what
13 you've proposed. I like -- I like the medallion. I
14 think it's modern-looking with the facade and I'm not
15 -- I'm not convinced that having externally lit would
16 really fit this so well. I -- I --
17 MR. CALLI: I -- I agree, Mr. Chairman.
18 I, unlike you, I -- I don't get a vote and I'm not an
19 expert but I -- I do agree with that and Mr. McDonough
20 will speak to that further and we'll -- we'll go
21 through the proofs because the proposal is a deviation
22 for the internal illumination and -- and we have to
23 explain it to the Board to your satisfaction and that's
24 exactly what we intend to do shortly if we get there
25 this evening.

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1 monument sign are 41 feet apart?
2 MR. STERN: Okay. Okay. And -- and they
3 frame the entryway into the property. Okay.
4 CHAIRMAN SANTORO: Can I -- can I ask a,
5 sort of, separate but related question?
6 On the drive-through part, I was just
7 paging through the diagrams. You've got some -- you --
8 you have canopies over those, right, with some lighting
9 there? Are there -- there are canopies over the -- the
10 ordering windows where you order in the back?
11 MR. HALL: Up and down, actually, as I
12 understood the testimony.
13 CHAIRMAN SANTORO: Say that again, Gary?
14 MR. HALL: Weren't they going up and down
15 illuminating the brick above and below?
16 CHAIRMAN SANTORO: No. What I was
17 talking about is where you place your order. It was
18 the sheet -- on one of the sheets in the pack as -- you
19 know, where you place your order?
20 MR. HALL: Yeah. I see that.
21 CHAIRMAN SANTORO: And they have -- they
22 have a 9-foot clearance. You got -- you got canopies
23 over that where the car drives up.
24 MR. HALL: Oh. Over there. Okay.
25 CHAIRMAN SANTORO: And you've got some

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1 lights on there. I just wanted to ask a question about
2 that.
3 I don't know if there's a page number, 9
4 of 16 in this pack we have with all the lighting.
5 So when you -- when you drive your car up
6 and you stop to give your order, there -- you're --
7 you're under a -- a -- a small canopy, right?
8 MR. MAHONEY: Yeah.
9 Chris, can you pull it up, that detail?
10 MR. COLUCCO: I have it. I can pull it
11 up.
12 CHAIRMAN SANTORO: Because, I guess
13 there's some down lighting there. I just wanted to ask
14 a question as to what that is, if -- if there's any
15 reason to be concerned about that at all.
16 MR. COLUCCO: Down lighting is -- is
17 strictly just to illuminate that area. There aren't
18 any freestanding lights in that area. It's just for
19 security purposes, really, and to illuminate the area.
20 CHAIRMAN SANTORO: And is there, like,
21 one of those big ordering boards? That's out there
22 too. That's on Page 15.
23 MR. COLUCCO: That would be the menu
24 board, yes.
25 CHAIRMAN SANTORO: Okay. Any reason to

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1 if the night permits, at your pleasure.
2 CHAIRMAN SANTORO: All right.
3 Well, is there any questions from the
4 Board, last questions for Mr. Mahoney?
5 MR. HALL: I'm sorry. One quick
6 procedural question: The drawings we've been looking
7 at, they have the logo of "Federal Heath" and I'm
8 assume that that's a sign builder and Mr. Mahoney
9 worked with them or you know? His name isn't on those
10 drawings. That's why I'm asking, just so I understand
11 the tie-in here.
12 And we had two sets of -- of sign
13 drawings. That confused me also. That -- other ones
14 by Murdoch Engineering that we haven't even talked
15 about. I don't know -- oh. That's Federal Heath also.
16 Mr. Mahoney, do you understand my
17 question?
18 MR. MAHONEY: I do. Federal Heath is the
19 manufacturer of the signs --
20 MR. HALL: Right.
21 MR. MAHONEY: -- so we work with them and
22 whatnot so they're -- they're one of the authorized
23 manufacturers for Burger King so they've -- they've
24 done it at our -- our direction.
25 MR. HALL: Okay. I just wanted to make

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1 --
2 MR. FOSTER: Can you describe where the
3 ordering board is compared to the canopy that Joe has
4 just gone over? It has to be next to each other but I
5 can't really see.
6 MR. COLUCCO: Yep. You have your menu
7 board here and your order confirmation unit here.
8 MR. FOSTER: Okay. Thanks.
9 MR. STERN: And your clearance bar, could
10 you just point that out for everybody?
11 MR. COLUCCO: Clearance bar is here.
12 MR. STERN: Okay.
13 And the only thing on those, the
14 clearance bars and, I think, there was another, it was
15 just going to give you the height, say "Clearance" and
16 the height, correct?
17 MR. COLUCCO: Correct, yes. We would
18 eliminate the logo in the easiest game of limbo ever.
19 MR. STERN: Okay.
20 CHAIRMAN SANTORO: Okay. That's all I
21 had. I just wanted to ask about that.
22 What do we need to cover next?
23 MR. CALLI: If we're going to our next
24 witness Mr. Chairman, we were hoping to go, briefly, to
25 our traffic engineer and, then, to Mr. McDonough if --

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1 sure that there's no other professional, that you told
2 them what to -- or not "told them" what to do but you
3 worked with them.
4 MR. MAHONEY: Only certain manufacturers
5 have the right to make the trademarked images for
6 Burger King Corporation so they're -- they're the one
7 we selected.
8 MR. HALL: That's fine. I just wanted to
9 close that loop. Thank you.
10 MR. FOSTER: Mr. Mahoney, are you going
11 to address the roof or is somebody else going to
12 address the roof?
13 MR. MAHONEY: The -- the -- so currently,
14 the -- there are parapets on the roof that screen most
15 of the type of rooftop units but the type of rooftop
16 unit on there has something called a "transfer curb" so
17 it -- it makes the -- the units a little taller than
18 the -- than they could be if they were -- if there --
19 there wasn't such a transfer. Essentially, they --
20 they were replaced with something that didn't match and
21 that's the thing.
22 So we tend to raise the parapets 1 foot 9
23 inches, from what they are currently so there is no
24 view of any rooftop equipment from any -- any point on
25 the -- on the perimeter of the building.

1 MR. FOSTER: So -- so you'll -- you'll 116
2 leave the setback for all the way around, then?
3 MR. MAHONEY: Yeah. That's -- that's
4 reflected currently on the elevations. That's what
5 those elevations show. They are 1 foot 9 higher than
6 what is there currently so the stone elements are 3
7 foot higher than that but that's more of a decorative
8 thing, really, not -- not needed for any kind of
9 screening.
10 MR. FOSTER: Okay. And the -- the -- the
11 ordinances also prohibit flat roofs in the CC zone.
12 Obviously, you've got a flat roof proposed. Can you
13 address the need for the flat roof?
14 MR. MAHONEY: Yeah. Since you -- with
15 the amount of equipment, we have four rooftop units, a
16 roof hatch, venting, two exhaust fans for equipment and
17 as well as ones for the -- the -- the restrooms.
18 There's -- there's, really, not a practical way for us
19 to get that much equipment on a -- on a gable roof or a
20 sloped roof so it's a -- it's a fairly crowded roof and
21 the -- and the ordinance, I think, talks about some
22 elements like -- like, you know, mansard type elements
23 and things like that to -- to soften the flatness of
24 the roof. Obviously, what is there now is a -- is a
25 quasi-mansard roof.

1 to me. I'm not sure if you got all that. 118
2 I'm sorry. Pat, we had a very bad
3 reception on your end and it -- it was quite broken up.
4 Can you give us the condensed version of explaining how
5 it's hard to work those details into your current
6 design and -- and where you tried and where it just
7 can't happen?
8 MR. MAHONEY: So we -- we heard the
9 rooftop equipment part but not the -- the -- the
10 variation in height when we look at the building part;
11 is that what we're saying?
12 MR. FOSTER: Basically, yes.
13 MR. MAHONEY: Okay. So -- so
14 essentially, what I said is that, we're taking off a
15 1970s-style mansard in order to -- to give a more
16 modern and updated look to the building, and in order
17 not to give a uniform look to it and to give it some
18 visual interest, that's the reason the stone towers,
19 periodically, raise 3 feet around the building to
20 punctuate and give it some variation.
21 Also, with the -- the walls, there are
22 stainless steel canopies over all the windows and doors
23 and those give some variation in shadowing as well as
24 conceal some of the lighting that -- that does wash
25 those same walls.

1 MR. FOSTER: Have you considered any, 117
2 kind of, elements like that that would both meet the
3 ordinance but not dramatically change in the nature of
4 how your roof operated?
5 MR. MAHONEY: Well, personally, because
6 we are trying to conform, we've eliminated the mansards
7 that are hung off the building but we tried to -- to
8 give --
9 MS. KAAR: I'm having trouble hearing.
10 He's dropping out.
11 MR. HALL: You've got a screen freeze; it
12 looks like.
13 MR. MAHONEY: -- the variation that the
14 stone elements 3 feet high for visual interest;
15 likewise, the awning that go around the building are
16 there both to give some interest in light and shadow as
17 -- as well as just --
18 MR. FOSTER: Unfortunately, we really
19 can't hear you. You're breaking up.
20 MR. MAHONEY: -- some relief from a long,
21 straight wall so not using a mansard; I'm saying.
22 MR. CALL: Pat, everything you just
23 said, can you say that again for Mr. Foster. We -- we
24 lost you for about 90 seconds.
25 I don't know. Mr. Foster, it made sense

1 So I think in -- without using a mansard 119
2 roof, I think we've given the -- the visual interest to
3 the building by -- by using canopies in variations in
4 heights of the towers and whatnot.
5 MR. HALL: And did you say you'd have a
6 higher parapet to hide, at least, partially, the
7 mechanicals on the roof?
8 MR. MAHONEY: Yes. Currently, if you
9 look at the building from the middle of the street, you
10 can see, at least, one of those rooftop units that
11 probably will be a little lower when it's replaced, but
12 regardless, we're raising the parapet, the lowest
13 parapet, 1 foot 9 inches to ensure that no rooftop
14 equipment is visible from any point on the perimeter of
15 the building either from the street side, the
16 residential side, anywhere.
17 MR. FOSTER: Okay. I'm not sure if I --
18 if I don't know how to read the drawings as well but I
19 did not see it on the drawings. Is that evident in the
20 drawings you submitted or is that something you can
21 amend when you're submitting the site plan documents?
22 MR. MAHONEY: It's on the drawings we're
23 looking at right now. In fact, dotted-in is the roof
24 line and the height of the rooftop equipment which
25 Chris can zoom in on it so it does show where -- where

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1 those things are now below the top of that red band.
2 MR. FOSTER: Okay. Yeah. I didn't -- I
3 didn't have these elevation details. I was looking at
4 the drawings showing roof details and plans.
5 MR. MAHONEY: Yeah. I don't think you'd
6 really see it well on that. It -- it shows best on the
7 elevations. I think we put numbers on the -- on the
8 roof plans but I think it's easier shown on the
9 elevations.
10 CHAIRMAN SANTORO: Any more questions?
11 MR. STERN: Are you putting down any
12 odor-reductions devices on the exhaust on your grilling
13 and frying and exhaust?
14 MR. MAHONEY: Yeah. I don't believe we
15 have it -- the standard in there. I don't believe
16 it's -- it is on those fryers or exhaust fans
17 currently. I think it's the -- essentially, the same
18 equipment that is there now.
19 MR. STERN: I've had an experience with,
20 at least, one fast food place where it -- it really
21 needed to be mandated because sometimes it would be
22 like a -- a cloud of smoke almost. You could just
23 feel -- you could just feel the grease being emitted.
24 Is there a minimum standard that's applied to these to
25 the exhaust systems since you back up to a residential

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1 C O R E Y C H A S E, first having been duly sworn,
2 testified as follows:
3 VOIR DIRE EXAMINATION BY MR. CALLI:
4 Q. Corey, briefly, for the Board, the
5 benefit of your background and credentials?
6 A. Certainly.
7 Corey Chase, from Dynamic Traffic,
8 licensed professional engineer in the State of New
9 Jersey, license is currently in good standing. I
10 haven't had the pleasure of testifying before the
11 borough before but I have testified in Morristown and
12 Chatham, Millburn, New Providence, Berkley Heights.
13 CHAIRMAN SANTORO: We'll accept him.
14 MR. CALLI: Thank you, Mr. Chairman.
15 DIRECT EXAMINATION BY MR. CALLI:
16 Q. So Corey, you -- you've heard all the
17 testimony this evening. You've become familiar with
18 all the plans prepared by your partners at Dynamic
19 Engineering. You know the operations of what's
20 existing here and all the proposed site changes; is
21 that correct?
22 A. I do, yes.
23 Q. You've had an opportunity to review the
24 site and prepare an analysis based upon what you
25 anticipate the issues being or not being if the site is

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1 district?
2 MR. MAHONEY: Typically, there isn't.
3 Typically, that is not used so I wouldn't say it is a
4 standard. I think sometimes, in highly-urban locations
5 where they are residential windows within 20 feet of an
6 exhaust fan, I've seen it used but not typically.
7 MR. CALLI: And again, there's no changes
8 to operations or user. It's -- it is the same Burger
9 King it is today with the same equipment today and
10 services and food today so...
11 MR. STERN: Okay.
12 CHAIRMAN SANTORO: Any other questions
13 for the Board? Because I want to go to the public.
14 (No response)
15 CHAIRMAN SANTORO: Bob, is there any
16 hands raised for the public?
17 Any member of the public want to ask a
18 question of this witness?
19 Bob, you there?
20 BOB: No hands raised.
21 CHAIRMAN SANTORO: Perfect. Thank you.
22 Let's move to traffic then and we'll move it along
23 quickly if we can?
24 MR. CALLI: Very good, Mr. Chairman. Our
25 traffic witness, Mr. Corey Chase.

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1 improved as proposed, right?
2 A. That's correct.
3 Q. And if you would, briefly, Corey, please
4 take the Board through the benefit of your analysis and
5 your conclusions.
6 A. Certainly.
7 We prepared a letter that was dated April
8 17, 2020 that was previously submitted to the Board
9 entitled "Circulation and Parking Assessment." Our
10 primary role in the application was to consult with Mr.
11 Colucco as well as the applicant to evaluate the
12 modernization of the site and, specifically, the
13 implementation of the dual drive-through lanes.
14 Classically, the drive-through usage used
15 to be around 40 or 50 percent for most fast food uses.
16 There's been an uptick in recent years to as much as 60
17 to 70 percent of the drive-through volume, and through
18 various efficiency studies, what they found was that --
19 is that the -- the real lack of efficiency was the
20 actually ordering point. It wasn't in the food
21 preparation; it wasn't in the pick-up or pay windows.
22 It was actually the order point and that was really the
23 bottleneck for the drive-through system so what you
24 would see is you would see a backup from the order
25 point beyond, and then, there'd be a gap in the vehicle

1 queue until you get to the pick-up and pay windows. 124
2 So with the advent of the dual drive-
3 through system it allows them to take two orders at
4 once and allows those vehicles to process more
5 efficiently through the system and fill in those gaps.
6 Each order is tracked so if one lane is taking longer
7 than the other, the other lane can still continue to
8 process other vehicles.
9 In addition to increasing the efficiency,
10 we're increasing the vehicle stacking. The current
11 drive-through system on site can stack only six
12 vehicles; whereas, the proposed system can stack nine
13 vehicles so increasing both the efficiency as well as
14 the stacking capabilities on site and what that'll do
15 is it'll also help to reduce parking demand on site.
16 Typically, when the drive-through queues are extended
17 up to the exit of the drive-through lane, you'll find
18 that customers will actually just park and walk in
19 rather than sit and wait in the drive-through line.
20 So overall, we anticipate a reduction in
21 parking on site. I know that some questions raised by
22 the Board were concerning personally reducing some of
23 the parking that's provided and I believe Mr. Calli
24 indicated that we're amenable to reduce the parking
25 supply by an additional three spaces, which would

1 "No Left Turn" signs at the exit. Are those going to 126
2 be replaced in some way? They're just kind of bent
3 over, twisted.
4 MR. CHASE: Yeah, we can -- we can
5 replace those.
6 CHAIRMAN SANTORO: Is it -- does it need
7 to be two signs like that? Because there are,
8 literally, two signs on one pole there.
9 MR. CHASE: One is sufficient, and as
10 part of the replacement, we'll ensure that just one
11 sign is provided.
12 CHAIRMAN SANTORO: And has that the gone
13 through the Title -- what is it? Title 39 process
14 where it's set by ordinance there no left turn? Have
15 you guys done that? I don't know if that's in our
16 ordinance -- ordinances?
17 MR. CHASE: I would defer to Mr. Calli if
18 Title 39 has been granted on this property. If not, I
19 don't believe the applicant has an issue granting Title
20 39 on this property.
21 MR. CALLI: I would echo what Mr. Chase
22 said. I'm not certain, but if not, we would,
23 certainly, grant Title 39 enforcement.
24 CHAIRMAN SANTORO: Okay.
25 Mr. Russo, I mean I -- I read -- I read

1 reduce the overall impervious coverage calculation as 125
2 well so that would lead us to a total of 34 spaces
3 proposed on site; whereas, 39 spaces currently exist.
4 Based on our observations, a typical fast food
5 restaurant, the 34 spaces would be more than enough to
6 accommodate the demand for a restaurant of this size.
7 As Mr. Colucco mentioned, we are
8 maintaining the existing ingress-only driveway and
9 egress-only driveway along Main Street, which is known
10 as Route 124 and is under NJDOT jurisdiction.
11 We did receive a letter of no interest
12 from the New Jersey Department of Transportation dated
13 May 28, 2020, which indicates that no additional
14 permitting is required for the improvements proposed on
15 site.
16 Overall, we think it's, generally, an
17 improvement in the circulation on site as well as the
18 drive-through operations which will help the site
19 function more efficiently and more adequately that it
20 does today.
21 I'd be happy to answer any questions that
22 the Board has, that Mr. Stern or Mr. Russo have.
23 CHAIRMAN SANTORO: I want to ask a
24 question first.
25 You have a "No Left Turn" -- two -- two

1 the -- Mr. Chase's report. What's -- what's your 127
2 opinion? What are -- what are your concerns? Any?
3 MR. STERN: Well, now that I've un-muted
4 myself, Title 39, the applicant would have to petition
5 the governing body to accept Title 39 enforcement of --
6 of their site. I don't know that the borough has
7 accepted, but you know, you could always make it a
8 condition that they petition the governing body for
9 Title 39 enforcement.
10 As for left turns, there's nothing on --
11 there are no ordinance requirements for no left turns
12 that I'm I aware of but it's just a -- up and down Main
13 Street, it's just -- through the police department,
14 it's always been our recommendation, just because of
15 the -- it is -- it is the state highway not to have
16 left turns out, and since there's already one there, I
17 don't -- I don't see why we wouldn't maintain the no
18 left turn.
19 Mr. Chase, have you had an opportunity to
20 review Mr. Maltz's traffic review of July 22nd?
21 MR. CHASE: I have, yes.
22 MR. STERN: There are a number of
23 recommendations on the third page. Does -- do you or
24 the applicant have any objections to any of those
25 recommendations?

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1 MR. CHASE: We don't take any issue with
2 the striping recommendations that Mr. Maltz has in his
3 July 22nd letter.
4 MR. STERN: So you're going to be
5 providing hairpin striping?
6 MR. CHASE: If that's the desire of the
7 borough to provide hairpin striping, we can certainly
8 accommodate that. As Mr. Colucco mentioned, we are
9 proposing to mill and overlay the parking lot, so if
10 the hairpin striping is desired, hairpin striping can
11 be provided.
12 MR. STERN: Right. That's an ordinance
13 requirement so if you are going to comply with the
14 ordinance, that would be wonderful.
15 MR. CHASE: We will, yes.
16 MR. RUSSO: Okay.
17 Comment Number 4, Mr. Maltz's review
18 deals with, you know, what have the queue lengths of
19 the driveway through been previously and what you
20 anticipate them to be with the additional drive-through
21 lane.
22 MR. CHASE: Unfortunately, just given the
23 time of the application and the onset of the pandemic,
24 getting an accurate queue count for the existing
25 restaurant wasn't really feasible. Obviously, the

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1 sitting there, if you move that back a few spaces and
2 you got extra parking spaces to burn, so to speak, that
3 would substantially open up the what I'll call the
4 "pass-through exit lane" so that you wouldn't have
5 nearly as much of a risk of choke point of people who
6 were coming through but not going through the drive-
7 through.
8 Have you thought about that? What's --
9 what's your sense of whether that would be feasible?
10 MR. CHASE: If it's the Board's pleasure
11 to -- to relocates that landscape down further back,
12 you -- we can certainly do that. You know, my initial
13 thought on the overall site circulation is that the --
14 the aisle width is 21 feet. It narrows down as you go
15 around to 18. That's more than adequate to accommodate
16 one-way circulation, even through the -- the bypass
17 area of the drive-through, but again, if -- if it's the
18 Board's preference that this landscaping island be
19 shifted south to open this up and create less of a
20 visual impediment, you know, we can certainly do that.
21 MR. FOSTER: My sense, I think, is that
22 would be a big improvement. I don't know how other
23 people think about that.
24 MR. CHASE: Certainly, we could slide it
25 back so the lines would create a visual queue to the

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1 restaurant was closed for a period of time, and then,
2 drive-through operations opened but no indoor
3 operations were open, so given my experience on similar
4 developments, as I mentioned, that both the increase in
5 stacking and the increase in efficiency of the drive-
6 through will substantially reduce any queuing problems
7 that may have existed prior to this being implemented.
8 MR. RUSSO: Is it your opinion, your
9 professional opinion, that the proposed additional
10 drive-through lane provides safe and efficient traffic
11 movements through the site.
12 MR. CHASE: Yes. It is.
13 MR. RUSSO: I have no more questions, Mr.
14 Chairman.
15 CHAIRMAN SANTORO: I have none.
16 About the Board?
17 MR. FOSTER: Mr. Chase, I've a couple.
18 If you look at the west side of the
19 parking area, you know, a couple of us expressed
20 concern about both the potential choke points in terms
21 of people coming around the drive-through area, both
22 coming in and coming out, and you've talked about
23 taking a couple of parking spaces out of the east side.
24 If you took -- on the west side, if you took that --
25 what I'll call "bump" out, whereas we now show a tree

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1 parking to the rear, to the -- yeah -- to the
2 perpendicular parking.
3 MR. FOSTER: Yeah. That was kind of my
4 thinking, and again, this is -- this is -- it's
5 primarily a safety issue, but also, the ordinance does
6 specifically say we have to make sure that the drive-
7 through doesn't cause any circulation problems.
8 MR. CHASE: Understood. And again, if --
9 if that's the Board's pleasure, it -- it can certainly
10 be accomplished within the modified setback.
11 CHAIRMAN SANTORO: How does anybody else
12 feel about it?
13 MR. PAETZELL: Same way. I looked at the
14 plans. Initially, I thought it looked like a little
15 choke point there so I agree. I think it would be
16 better off moving a little bit and down maybe two
17 spaces.
18 CHAIRMAN SANTORO: Right.
19 How about -- how about that from the
20 applicant? Are you -- are you good with that?
21 MR. CALLI: We are, Mr. Chairman.
22 CHAIRMAN SANTORO: Okay. Let me ask
23 another question then in terms of safety.
24 And, Russell, and you I talked about this
25 once before and I don't think we covered it.

1 You know, you -- you mentioned very early ¹³²
2 on in the application that you were eliminating the
3 side door and I suppose -- I think it was for control
4 purposes. I don't know if that's a crime kind of thing
5 or you can see what's going on but would it be a little
6 bit safer for pedestrians to be able to enter the side
7 that side door instead having to walk all the way and
8 come around?
9 I don't know, Russell?
10 MR. RUSSO: I think Russ got cut off.
11 CHAIRMAN SANTORO: Uh-oh.
12 MR. RUSSO: I don't see him on the *Brady*
13 *Bunch* screen here.
14 CHAIRMAN SANTORO: Let me see if he's
15 texting me here.
16 MR. RUSSO: Yeah. He texted me that he
17 got cut off. He got disconnected.
18 CHAIRMAN SANTORO: All right. Well, give
19 him a second. I'll send him a text right now.
20 MR. HALL: I have a different question on
21 the opposite side. The testimony was and I didn't
22 understand about using the second window if there was a
23 backup. There's something about, if one window got
24 delayed, you could use the other one. What was --
25 could you clarify that?

1 MR. CHASE: -- and the -- ¹³⁴
2 MR. HALL: That's where it is now, I -- I
3 believe, yeah.
4 MR. MAHONEY: This is Pat Mahoney.
5 The first window, the additional window,
6 is -- in high-volume times, can be used to take payment
7 it -- it -- it does not dispense food so the -- all the
8 food comes out the existing window and that's why
9 there's equipment there.
10 MR. HALL: Yeah. I've encountered that
11 in some places. Okay. So that explains the floor plan
12 but is that -- that's intended for high-volume periods,
13 you said?
14 MR. MAHONEY: Yeah. The low-volume
15 period, it might not be used.
16 MR. HALL: Okay. The second question is
17 related.
18 At the food window, at some places I've
19 seen where, if you have an unusual order, they don't
20 have it. They say "Pull up and we'll bring it out to
21 you." Do you know what I'm talking about?
22 MR. MAHONEY: I have seen that.
23 MR. HALL: They say "Move up and get out
24 of the way and someone will bring your food out." Do
25 you know what I'm talking about?

1 MR. CHASE: Sure. In the -- the -- the ¹³³
2 -- as I mentioned in my testimony, when the -- the
3 overall efficiency of the drive-through system was
4 evaluated, it was determined that the order point was
5 really the source of the backups, typically, in the
6 drive-through queues so adding the second order point,
7 if one is take longer than the other, the -- the other
8 order point can still process vehicles. The Burger
9 King has an internal system that tracks the orders so
10 they can keep processing cars through one order point
11 if one is taking longer.
12 MR. HALL: Okay.
13 Now, then, the question is: The little
14 addition canopy in the back corner of the building,
15 what's that for? I looked at the floor plan. Is that
16 a potential second pay window? What is that?
17 MR. CHASE: Yeah. That's a new -- a new
18 pay window, yes.
19 MR. HALL: Potential or what is it? In
20 the floor plan, it looks like a register but it doesn't
21 show the other stuff that's in the front one.
22 MR. CHASE: I would defer -- I believe
23 the first window is going to be the window closest to
24 Main Street will be --
25 MR. HALL: Yeah, yeah, yeah.

1 MR. MAHONEY: I do and -- and I think, in ¹³⁵
2 an unusual time, the -- that could be done. Typically,
3 that's -- we'd prefer not to do that so we'd prefer to
4 have the operation run smoothly.
5 MR. HALL: Yeah. I'm just wondering
6 about, under that scenario, where the car would go.
7 That's my question. Sometime they have an actual space
8 there and it's kind of tight here. Maybe that's not
9 changing anything but I just, while you're redesigning,
10 if that was considered. That's my question.
11 MR. MAHONEY: There really isn't a
12 possibility, on this site, to put spaces closer to the
13 street and moving that window further to the back
14 equally disrupts the function of the -- the efficiency
15 of the operation so we didn't really think that the
16 pick-up spaces like that were very practical here.
17 MR. HALL: Okay. I was just asking.
18 CHAIRMAN SANTORO: Can we go back to --
19 back to my question?
20 Russell, did you hear my question before?
21 MR. STERN: No, I did not. I was cut off
22 at that point.
23 CHAIRMAN SANTORO: Oh. We were talking
24 about safety and flow and I pointed out in the
25 beginning of the application that they had mentioned

1 they weren't going to have a side door, that all the -- 136
2 the entrance would be in the front. Do -- do you think
3 it makes sense to have that side door there?
4 MR. STERN: I mean, I've heard the -- I
5 think it was maybe the architect's testimony or -- or
6 even the overview by the Board by the applicant's
7 attorney regarding a security concern but I -- I -- I
8 am concerned now that more people are walking a further
9 distance on a sidewalk that's level with the traffic
10 aisle entering this site and they have to talk all the
11 way up to that front entrance so because I'm posing
12 this question to the traffic engineer, is this a safe
13 situation? Are you comfortable as the design -- as a
14 traffic engineer on this?
15 MR. CHASE: I am comfort with the
16 pedestrian circulation as proposed. There's a
17 dedicated 5-foot walkway that's proposed in the front
18 of the building. It's more than adequate to
19 accommodate pedestrian traffic associated with a
20 development like this.
21 MR. STERN: You know, that and -- and
22 security are, you know, aspects to support what they're
23 proposing. I -- I could only say that I -- I'm
24 familiar with the current arrangement. It just -- it
25 makes sense to have that side entryway. It's just a --

1 address it. 138
2 MR. CHASE: I can't speak to the reason
3 for the elimination. The rear door, again, I can just
4 echo my testimony that we are providing, you know,
5 dedicated 5-foot-wide pedestrian circulation path to
6 provide safe and efficient for pedestrians to the main
7 entrance to the building.
8 I'm sure Mr. Mahoney can elaborate as to
9 the illumination of the rear and why it was eliminated.
10 MR. MAHONEY: The -- the rear door was
11 eliminated, as I had mentioned, so that the front
12 counter can have visual surveillance over the entrances
13 of the building.
14 Historically, there have been issues in
15 areas, particularly around the doors, where -- where
16 they don't have access visually -- direct access
17 visually around the corner from the front -- the front
18 counter so that's -- operationally, that's a request we
19 have almost uniformly to -- to try to give them that so
20 that it minimizes the problems within the restaurant.
21 MS. KAAR: What problems? There's
22 security problems?
23 MR. MAHONEY: Yeah.
24 CHAIRMAN SANTORO: Okay.
25 MR. STERN: I mean, I've -- I've eaten

1 a shorter walk from the parking spaces into the 137
2 building. I -- I think it's -- it would be a customer
3 benefit.
4 CHAIRMAN SANTORO: So right now, there's
5 a door at the very -- on the side but it's at the very
6 front of the building; is that right?
7 MR. STERN: Being proposed? No. There's
8 just two -- two doorways on the front building
9 elevation.
10 MR. MAHONEY: Yeah. Technically, the
11 door, it's at the corner but it does face the street.
12 MR. HALL: Currently, that front corner
13 was the former child play area.
14 MR. STERN: Right.
15 MR. HALL: So it's sort of empty space
16 now. I guess they could put tables in there.
17 MR. STERN: Yeah. I mean even Harold
18 Maltz, the Board's traffic engineer, pointed that out
19 in -- in his report as an issue, not necessarily a
20 recommendation in either way, but testimony should be
21 provided as to why a rear door cannot be provided. We
22 both had concerns about that.
23 CHAIRMAN SANTORO: Right. So why don't
24 -- why don't -- maybe not the traffic engineer -- well,
25 it could be the traffic engineer but the applicant can

1 there. I've lived in town, and yeah, that's kind of 139
2 like a dead zone for -- for surveillance unless they
3 camera'ed it so --
4 MR. MAHONEY: Which -- which they do
5 camera as well but people can't see you watching them
6 when you're in -- so it -- it helps to have people know
7 that they can be seen, particularly, at the doors, and
8 if the doors are, really, kind of the -- the -- the
9 catch point where you can control that type of behavior
10 so -- and again -- so from the operations' side, it's a
11 frequent request we have to -- to give them that visual
12 surveillance from the counter.
13 CHAIRMAN SANTORO: Okay. I think -- I
14 think that's reasonable.
15 MR. STERN: I have one more -- two more
16 comments.
17 Harold Maltz also mentioned it about
18 posting of a stop sign. There was agreement to that?
19 MR. CHASE: We can add a stop sign, yes.
20 MR. STERN: Okay.
21 And then, based on my inspection, I
22 noticed that the -- some of the sidewalk and the
23 concrete aprons were a bit damaged so the
24 recommendation in my report is to repair or replace the
25 cracked and damaged curb, sidewalk and concrete aprons

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1 at the direction of the borough engineer. Do you agree
2 with that?
3 MR. CALLI: That -- that's fine.
4 MR. STERN: Okay.
5 That's it for me, Mr. Chairman.
6 MR. HALL: I'm -- I'm sorry but back to
7 the door issue. Was it resolved? What was going to
8 happen with the sidewalk along the side of the building
9 that would now be used without that door? Is that what
10 you were talking about, Joe, with bollards and the
11 comment "was the pavement at the same level" and I
12 don't know if we ever resolved what was going to happen
13 there.
14 MR. STERN: The applicant is proposing a
15 flush sidewalk along the side of the building.
16 MR. HALL: Right.
17 MR. STERN: It's at the same level as the
18 pavement and is proposing six bollards. Originally,
19 they were, you know, 100 percent yellow. They're going
20 to be more of a decorative nature but that's the
21 separation. That's the protection, is the six bollards
22 or so.
23 MR. HALL: So it's just different
24 bollards from what's proposed?
25 MR. STERN: Yes.

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1 CHAIRMAN SANTORO: All right. So I think
2 we should go to the public.
3 Are there any hands raised, Bob?
4 BOB: No, no hands raised.
5 CHAIRMAN SANTORO: Okay. Thank you.
6 All right. So let's -- let's talk for a
7 minute here. We've come a long way. It's 10:30, and
8 you know, the Board -- the Board -- I don't want push
9 it too long because I'm not sure we could get through
10 this without going really late and I want to be fair to
11 the Board members and make sure that everybody is
12 comfortable and we want to be able to take up these
13 planner arguments so I'm going -- I'm going to propose
14 that we don't press on that this may be a logical break
15 point unless there's some objection from the Board or
16 somebody wants to say something different?
17 MR. FOSTER: I think that makes sense.
18 If we -- if we continue in September, could we get
19 updated drawings? Because we've -- we've had a couple
20 of refinements over the course of the discussion.
21 CHAIRMAN SANTORO: You think you can do
22 that?
23 MR. CALLI: I -- I -- I really don't like
24 to speak for my design professionals who are going to
25 be the ones doing all work but I think, the -- the

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1 MR. HALL: I want to understand that.
2 Okay.
3 MR. STERN: Along the sidewalk, between
4 the sidewalk and --
5 MR. HALL: Okay.
6 CHAIRMAN SANTORO: Yeah. I mean, it's --
7 it's not -- it's not ideal because you have quite a bit
8 of traffic and parking and people are having to sort of
9 find your way over to that narrow walkway. It's a 5-
10 foot-wide walkway, right, and behind steel bollards
11 and, then, make their way to the front. You know, not
12 saying it's unsafe; it's not ideal, I guess.
13 MS. KAAR: A 5-foot walkway isn't that
14 narrow. It -- it -- it strikes me that it wouldn't
15 harm many of us to walk a few more steps before we go
16 into a fast food restaurant.
17 (Laughter)
18 MR. MAHONEY: We -- we typically use a 5-
19 foot walkway because it allows two wheelchair-bound
20 customers to pass each other. It's an ADA standard.
21 That's why it becomes 5. 5 feet is the minimum that's
22 ideal.
23 CHAIRMAN SANTORO: Okay. All right.
24 Okay. Additional questions?
25 (No response)

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1 limited discussions tonight were, mostly, on the civil
2 plans so I'm look to R.J.
3 So you think that you could have those
4 accomplished by the --
5 What would the September meeting be?
6 MR. HALL: Second Thursday, whatever that
7 number is.
8 MR. FOSTER: It's -- it's the 10th, I
9 think. Something like that.
10 CHAIRMAN SANTORO: Fran, un-mute. You're
11 muted, Fran.
12 MS. BOARDMAN: All right.
13 CHAIRMAN SANTORO: Well, that would be,
14 you know -- that would be best -- best effort if you
15 can do it but -- because what's most important to me is
16 that we get you back in here and we continue this
17 discussion, right? Because we've agreed, in principle,
18 as to what you're going to do. If you could show it to
19 us, that would be -- that would be best.
20 MR. HALL: Yeah. As the attorney, I
21 agree. There were a lot of tweaks discussed and I --
22 I'm -- I took notes but I'd like to see plans and have
23 everybody agree that what was changed was changed or --
24 rather than, you know, have to guess and speculate.
25 MR. CALLI: Yeah. We'll make an effort

1 to prepare those, file them ten days ahead and we'll 144
2 get them in digitally as well.
3 And, R.J., do you think you can get that
4 done by September 1st, give or take?
5 CHAIRMAN SANTORO: We need the plans ten
6 days ahead.
7 MR. CALLI: Right. So 9/1, so we're
8 looking at 9/1 or the last day of August.
9 MR. COLUCCO: Right.
10 CHAIRMAN SANTORO: Well, we could be a
11 little flexible if we had to but ten days is typically
12 it.
13 MR. COLUCCO: If you could work with us,
14 yes, we should be able to get you something in that
15 first week of September, yes. We'll, do our best.
16 CHAIRMAN SANTORO: I think that would be
17 good.
18 You know what would be great? And, Gary,
19 if you tell me what you think, is if you were to
20 interface with our attorney and sort of agree what
21 these conditions are and what changes, so that way,
22 maybe even in the form of a memo that the Board could
23 see so we could see what's been agreed to already and
24 where we're at exactly without having to take 15
25 minutes to do it at the next meeting. We can know

1 clear when we -- when we walk in and -- as to what we 146
2 agreed to instead of trying to remember all these
3 things.
4 MR. HALL: Unless, Larry, if there's
5 anything in either memo that you've had a problem with
6 -- because I don't think I heard that -- let me know
7 and we'll have to deal with that but --
8 MR. CALLI: All right. That's going to
9 be the shorter list so we'll do it that way.
10 MR. HALL: Okay. That's fine.
11 CHAIRMAN SANTORO: Okay.
12 MR. HALL: We'll put something together.
13 CHAIRMAN SANTORO: Okay. So the idea is,
14 when we come back then, we can move right into the
15 planner discussion.
16 MR. HALL: Right, and hopefully, we can
17 say, yeah, you did what you said we'd do, or you know,
18 you can't do it yet or whatever. I think we are real
19 close but I'm always uncomfortable, you know, not
20 having time to digest to make sure we all get it right
21 so...
22 CHAIRMAN SANTORO: Does that sound good
23 to you guys?
24 MEMBERS OF THE BOARD: Yeah.
25 CHAIRMAN SANTORO: Sound good?

1 exactly where we are, what you've agreed to with the 145
2 fence and this and that and the other thing and, then,
3 the lighting, right? Make sure you can do that, and
4 then --
5 MR. HALL: I was going to ask for Russell
6 and Frank to do that.
7 CHAIRMAN SANTORO: Oh, yeah? Okay.
8 Yeah, yeah. Okay.
9 MR. HALL: Yeah. It's more of their
10 technical stuff.
11 CHAIRMAN SANTORO: It is; it is.
12 MR. HALL: I mean, I made notes and we
13 can all confer and I -- I can prepare a list and pass
14 it on to Russell and Frank first. That would probably
15 be the most --
16 MR. CALLI: Gary just doesn't like me is
17 the problem, I think.
18 MR. HALL: No, no, no, no. I just -- but
19 the professionals raised the minutia details and --
20 MR. STERN: Gary, for the most part --
21 for the most part, I just followed the memo, you know?
22 MR. HALL: Yeah, I know.
23 MR. STERN: So that'll be a good format.
24 We -- we deviated on the signage and...
25 CHAIRMAN SANTORO: I just want to be

1 All right. And then, you'll be first up 147
2 when we come back. I want to knock this out.
3 MR. CALLI: Thank you so much, folks. We
4 appreciate it.
5 CHAIRMAN SANTORO: I think you've done a
6 good job so far so keep up the good work.
7 MR. CALLI: I appreciate that.
8 CHAIRMAN SANTORO: Thank you very much.
9 Go ahead, Gary. You wanted to say
10 something?
11 MR. HALL: Well, I was just going to say:
12 I think -- hang around because I think we need to do an
13 annual report.
14 CHAIRMAN SANTORO: The Board is going to
15 stay on. We have business that we have to take care of
16 which is why we're cutting it now.
17 MR. CALLI: Very good. We're going to
18 log off now and -- and no further notice, correct?
19 MR. HALL: No, no further notice, carried
20 to the regular meeting on September 10th. The only
21 thing, people have to check -- well, I don't know if we
22 have -- they'll have to check with the town for the --
23 the Zoom information because the number of changes
24 every time. It will be posted.
25 CHAIRMAN SANTORO: If you go to our

1 website, the Board of Adjustment, the Board calendar, 148
2 that's where it's going to be.
3 MR. HALL: You click on "Virtual
4 Meetings," and then, under that, there's the agenda
5 listing and that's where links are and that's where the
6 connection information should be.
7 And, Fran, we may already have that I
8 think.
9 MS. BOARDMAN: I believe we do.
10 MR. HALL: Because I know I did notice
11 this for you looking ahead and I think we are got the
12 Zoom information from the town.
13 MS. BOARDMAN: Yeah. It's already
14 posted.
15 MR. HALL: Okay. All right.
16 MS. BOARDMAN: And, Mr. Kelly, all
17 revised plans should be sent through communications so
18 that they can be uploaded.
19 MR. CALLI: You've got it. Thanks so
20 much.
21 MR. HALL: All right. And on that -- but
22 as far as, especially, me and Russell and Frank --
23 well, I don't know about Frank --
24 MR. RUSSO: Here I am.
25 MR. HALL: -- e-mail them so we get them

1 right away. 149
2 MR. CALLI: I'll get them around to you
3 guys. No problem.
4 MR. STERN: I'll make a request that I
5 have drawings FedExed to -- to my address.
6 MR. HALL: Yeah. It's better to have --
7 yeah, you're right.
8 MR. CALLI: Sure.
9 MR. HALL: Because I know, myself, if I
10 go to the office, I can print it on 11-by-17 but
11 sometimes it's not.
12 MR. STERN: Yeah.
13 MR. HALL: Good.
14 MR. CALLI: You got it.
15 MR. HALL: Okay. Great.
16 MR. CALLI: All right, folks. Have a
17 great night. Have a great weekend.
18 CHAIRMAN SANTORO: Take care. Thank you.
19 (The hearing concluded at 10:35 p.m.)
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1 CERTIFICATE 150
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4
5 I, ALISON GULINO, a Certified Court Reporter,
6 Registered Professional Reporter and Notary Public of
7 the State of New Jersey, do hereby state that the
8 foregoing is a true and accurate verbatim transcript of
9 my stenographic notes of the within proceedings, to the
10 best of my ability.
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19 ALISON GULINO, CCR, RPR
20 NOTARY PUBLIC No. 2415679
21 LICENSE No. 30X100235500
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