

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay then I'll call the meeting to order and ask everyone to stand for a flag salute.

SALUTE TO THE FLAG

MR. LEVITON: Pursuant to section five of the Open Public Meetings Act, notice of this meeting of the Manalapan Township Zoning Board of Adjustment was sent and advertised in the Asbury Park Press. A copy of that notice was posted on the bulletin board where public notices are displayed here in the municipal building. In addition a copy of this notice is and has been available to the public and is on file in the office of the municipal clerk. Accordingly this meeting is deemed in compliance with the Open Public Meetings Act. Roll call please.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Present.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss is absent. Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Mr. Wechsler is absent. Chair Leviton?

MR. LEVITON: Here. Gentlemen tonight the applicant is going to be requesting a D variance. They're going to need five affirmative

1 votes to get the relief that they seek and therefore alternates' votes
2 will count this evening. Everyone's vote counts. Our first order of
3 business though is to accept the minutes from October 5th. I need a
4 motion.

5
6 MR. GREGOWICZ: So moved.

7
8 MR. LEVITON: Thank you Mr. Gregowicz and I need someone to
9 second it.

10
11 MR. MANTAGAS: I'll second.

12
13 MR. LEVITON: Thank you Mr. Mantagas.

14
15 **ROLL CALL**

16
17 MS. MOENCH: Mr. Gregowicz?

18
19 MR. GREGOWICZ: Yes.

20
21 MS. MOENCH: Mr. Shalika?

22
23 MR. SHALIKAR: Yes.

24
25 MS. MOENCH: Mr. Mantagas?

26
27 MR. MANTAGAS: Yes.

28
29 MS. MOENCH: Mr. Pochopin?

30
31 MR. POCHOPIN: Yes.

32
33 MS. MOENCH: Chair Leviton?

34
35 MR. LEVITON: Yes. There are three resolutions to
36 memorialize tonight. The first one is number ZBE2336, Mr. Marmero.

37
38 MR. MARMERO: Sure and as you'll remember this one was bulk
39 variance relief that was necessary for the replacement of a fence
40 around the pool.

41
42 MR. LEVITON: Thank you sir. Can I get a motion?

43
44 MR. GREGOWICZ: So moved.

45
46 MR. LEVITON: Thank you Mr. Gregowicz.

47
48 MR. SHALIKAR: And I'll second that.

1
2 MR. LEVITON: Thank you Mr. Shalikar.

3
4 **ROLL CALL**

5
6 MS. MOENCH: Mr. Gregowicz?

7
8 MR. GREGOWICZ: Yes.

9
10 MS. MOENCH: Mr. Shalikar?

11
12 MR. SHALIKAR: Yes.

13
14 MS. MOENCH: Mr. Mantagas?

15
16 MR. MANTAGAS: Yes.

17
18 MS. MOENCH: Mr. Pochopin?

19
20 MR. POCHOPIN: Yes.

21
22 MS. MOENCH: Chair Leviton?

23
24 MR. LEVITON: Yes. Next up is 1901EX, Mr. Marmero.

25
26 MR. MARMERO: Yes Mr. Chairman and this was a one-year
27 extension that was granted to previous approvals that were granted by
28 the board. They were extended for a one-year period as the applicant
29 was able to show that they were unable to get certain outside agency
30 approvals due to situations that were beyond their control; namely
31 negotiation of an easement for a residential neighborhood.

32
33 MR. LEVITON: Thank you sir. Will someone move to
34 memorialize and will someone second it please?

35
36 MR. SHALIKAR: I'll make the motion.

37
38 MR. LEVITON: Thank you Josh.

39
40 MR. POCHOPIN: Second.

41
42 MR. LEVITON: Thank you Dan.

43
44 **ROLL CALL**

45
46 MS. MOENCH: Mr. Gregowicz?

47
48 MR. GREGOWICZ: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Yes. The last one is number 2328.

MR. MARMERO: Sure and Mr. Chairman this was use variance approval that was granted for an athletic facility or an athletic training facility that will be a tenant in a fully, previously approved building. No new construction, no extension of the building at all, but strictly just the use of a tenant space by this athletic training facility.

MR. LEVITON: Thank you Mr. Marmero. Motion and second?

MR. SHALIKAR: I'll make the motion.

MR. LEVITON: Thank you Mr. Shalika.

MR. GREGOWICZ: I'll second.

MR. LEVITON: Thank you Mr. Gregowicz.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

1 MS. MOENCH: Mr. Pochopin?

2
3 MR. POCHOPIN: Yes.

4
5 MS. MOENCH: Chair Leviton?

6
7 MR. LEVITON: Yes. Okay before we go any further Mr. Marmero
8 will you swear in Ms. Beahm and Mr. Boccanfuso this board's
9 professionals?

10
11 MR. MARMERO: Absolutely. If you'd both raise your right
12 hand. Do you swear the testimony you will provide tonight will be the
13 truth, the whole truth and nothing but the truth?

14
15 MS. BEAHM: I do.

16
17 MR. BOCCANFUSO: Yes I do.

18
19 MR. MARMERO: Okay.

20
21 MR. LEVITON: Thank you both and welcome. There is only one
22 application to be heard this evening and it is number ZBE2228, 360
23 Route 9 LLC Gregory's Coffee and the board calls on behalf of them Ms.
24 Moore. Good evening to you ma'am.

25
26 MS. MOORE: Good evening.

27
28 MR. LEVITON: Ms. Moore you're here for a preliminary and a
29 final major site plan and the use variance?

30
31 MS. MOORE: That is correct.

32
33 MR. LEVITON: You may present your affirmative case ma'am.

34
35 MS. MOORE: Good evening chair and members of the board. My
36 name is Marsha Moore from the law firm of Post, Polak on behalf of the
37 applicant. The applicant is again 360 Route 9 LLC and we are proposing
38 to construct a one-story 1,385 square feet of retail space or
39 restaurant for Gregory's Coffee which we'll go into a little bit more
40 detail about that proposed use. The use is what's under your
41 ordinance, a category three restaurant and it will contain
42 approximately thirty-two seats with two drive-thru lanes, an
43 associated parking lot with a total of twenty-one physical parking
44 spaces. There will be some EV credits so there will be additional
45 equivalent parking spaces, but as you well know this property is
46 located at 360 Route 9 and identified as Block 8, Lot 11.02 with
47 frontage on Route 9 and Franklin Lane.

48

1 MR. LEVITON: Hold on a second Ms. Moore. Is the microphone
2 picking her up?

3
4 MS. MOORE: Do you want me to sit down?

5
6 MR. LEVITON: If it and also pull the mic closer. It's
7 really sensitive and then they use it to transcribe later, okay.

8
9 MS. MOORE: Alright so as you'll hear this site was
10 previously used as the Lukoil gasoline station which consisted of a
11 one-story brick building as well as parking. That building was removed
12 as well as the storage tanks, three underground storage tanks in 2022
13 remediation, and you'll hear that Lukoil International remains a
14 responsible party respect to the remediation that occurred. With
15 regards to this use that we're seeking the D1 variance this use is
16 proposed for Gregory's Coffee which is owned and operated by Gregory
17 Zamfotis or Zamfotis. You'll hear the motto, their motto is simple,
18 "To serve quality, amazing coffee" and their trademark is see coffee
19 differently which he'll discuss during the course of this testimony.
20 As I mentioned the prior use was Lukoil gas station and it's our
21 position tonight we'll demonstrate that this project is a better use
22 than that gas station. We're providing
23 that less parking which our experts will testify, more lighting, more
24 landscaping, and again we will be providing the justification for a D1
25 variance respect to the site suitability. We are seeking preliminary
26 and final site plan because the category three restaurant fronts on
27 Route 9 your ordinance indicates any category three restaurant must
28 front Route 33 and that is the reason why we're seeking a D1 variance
29 tonight. I do have a number of witnesses. My first witness will be the
30 operator Gregory who will discuss the overall operation of this
31 proposed use. I do have our architect who will be discussing the
32 architectural feature and designs as well as our civil engineer who'll
33 be discussing most of the variances and the civil plan. This is an
34 undersized lot which really triggers most of the variances that we're
35 seeking respect to buffers and landscaping. We also have a traffic
36 engineer who will be discussing --- the traffic capacity, as well as
37 other observations she has made respect to other similar uses,
38 Starbucks and Gregory's Coffee in another location and last, but not
39 least I will have our planner who will be discussing again the D1
40 justification respect to our variances and waivers and the enhanced
41 standard respect to site suitability. Just before I begin I am in
42 receipt of a number of reports. The applicant did have a TRC meeting.
43 We've addressed those reports provided. We will be showing some
44 exhibits that were not part of the submission, but we will be
45 discussing our exhibits tonight and your professionals, your planner
46 as well as your engineers asked us to elicit some testimony which will
47 be addressing those reports. I'm not going to list the reports now. I
48 will have experts outline those questions and any anything specific

1 that your engineer and your planner asked us to provide in our
2 testimony, but at this time I would like to call my first witness who
3 will be Gregory Zamfotis.

4

5 MR. MARMERO: Good evening sir if you'll raise your right
6 hand I'll get you sworn in. Do you swear that the testimony you will
7 provide tonight will be the truth, the whole truth, and nothing but
8 the truth?

9

10 MR. ZAMFOTIS: I do.

11

12 MR. MARMERO: Okay and if you could state your name and
13 address for the record please.

14

15 MR. ZAMFOTIS: Gregory Zamfotis home address?

16

17 MR. MARMERO: Whatever, whatever is fine business, home.

18

19 MR. ZAMFOTIS: Business address would be 874 Sixth Avenue
20 New York, New York 10001.

21

22 MS. MOORE: Gregory, I'm going to call you Gregory just
23 state your name and your position with Gregory's Coffee.

24

25 MR. ZAMFOTIS: Sure Gregory Zamfotis. I'm the founder and
26 CEO of Gregorys Coffee.

27

28 MS. MOORE: And for the board's edification just give us a
29 brief background description. Where are you from? Just give us an idea
30 briefly.

31

32 MR. ZAMFOTIS: Sure so my family is originally from
33 Brooklyn. We moved to actually Holmdel, New Jersey when I was third
34 grade so I grew up in Monmouth County and went all the way through
35 Holmdel High School and then eventually went off to college up in
36 Boston, went to law school, and then graduated law school, passed the
37 bar exam, and immediately pivoted to start running Gregorys Coffee. My
38 father owned and operated fast, casual food concepts basically my
39 entire life. He had delis in New York City. He had a sandwich shop in
40 the Freehold Raceway Mall just down Route 9 so I used to work there
41 all through my high school years I guess and into college as well. So
42 I kind of grew up in the food business and when I realized that I was
43 not necessarily interested in practicing law I pivoted to where I had
44 all my experience all my life working in food and beverage, watching
45 my father do it wanted to do something of my own. So that was Gregorys
46 Coffee started in 2006.

47

48

1 MS. MOORE: Alright so Gregorys Coffee started in 2006. How
2 many locations do you currently have?

3
4 MR. ZAMFOTIS: Thirty-seven.

5
6 MS. MOORE: And how many locations are in New Jersey?

7
8 MR. ZAMFOTIS: Five at the moment so two in Jersey City, one
9 in Hoboken, Summit, New Jersey, and Paramus, New Jersey.

10
11 MS. MOORE: So this application proposes a drive thru, a
12 two-lane drive thru. Are any other locations in New Jersey that have
13 drive-thrus?

14
15 MR. ZAMFOTIS: Yes our Paramus, New Jersey location has a
16 drive thru lane.

17
18 MS. MOORE: Give me an idea describe Gregory's concept.

19
20 MR. ZAMFOTIS: Sure so we start with specialty coffee and I
21 realize we're not the only people that sell coffee out there, but as
22 you mentioned earlier when was talk about how we set ourselves apart I
23 always found that there was this niche available in the coffee space
24 that just no one was really filling. There are a lot of people that
25 can serve coffee relatively quickly, but I don't find the quality to
26 be at the same level that I thought that we could produce. There are
27 other folks that can produce great quality coffee, but you would think
28 they were slow, expensive, maybe a limited menu. So having grown up in
29 the food business my father's stores were always in the busiest parts
30 of New York City or in food courts and getting crazy during holiday
31 time so we were used to operating in high pressure, fast environments.
32 So, I took what I had always learned which was how to operate an
33 efficient and fast business serving high quality and coupling that
34 with great coffee. So, what we found was people were really responsive
35 to this, to find that they can find a really nice premium cup at a
36 reasonable price and getting it quickly. So I see that we were one of
37 the first ones in New York City to open stores on avenues or corners
38 where that was only where you would find Starbucks or Dunkin because
39 they were national chains having done it for a long time and most
40 folks that wanted to serve a high quality coffee just couldn't make it
41 work in the short time frame you had to serve a lot of people. So I
42 used my experience, put systems in place, training, took care of our
43 people and just worked really hard to create a great coffee program.
44 So we're able to consistently serve really high quality and do it
45 relatively quickly and we've seen this result play out and allow us to
46 open across various markets and being probably the only true specialty
47 coffee concept to be able to successfully operate a drive thru. Well
48 we do things like latte art on top of your lattes, fresh product.

1 We're not using hermetically sealed bags and serving things that are
2 in God knows where. So when folks are getting that kind of experience
3 in a drive thru lane and I was personally I just wanted to spend some
4 time in a drive thru this morning so I was at our Paramus, New Jersey
5 location all day and just the joy on people's face when they realize
6 they're only waiting a minute or two to get product and they're
7 getting something that is as high quality as that. It's why we're able
8 to open in busy locations surrounded with Starbucks nearby and people
9 still continuously choose us because of the elevated premium
10 experience.

11
12 MS. MOORE: Now is this a franchise?

13
14 MR. ZAMFOTIS: No they're all corporate owned.

15
16 MS. MOORE: Okay. Now your trademark says "See coffee
17 differently". What does that mean?

18
19 MR. ZAMFOTIS: Sure so it kind of ties in what I was just
20 saying. There's certain stigmas when people think of high quality
21 coffee. They think it's hard to find. It's going to be slow. It's
22 going to be expensive. The service might not be exactly what you want.
23 There's limited sizes. They might only offer one size. I wanted to
24 kind of go against that from the start. So our saying was again how
25 can I couple quality and quantity. How can I give people a familiar,
26 but elevated experience? That's what we've been working on for
27 seventeen years now is how do I get somebody whose used to --- So if I
28 come into a new market like Manalapan and we're saying people are used
29 to visiting a Starbucks or maybe a Dunkin Donuts they'll come into a
30 Gregorys and they'll feel familiar. I's not going to feel like what is
31 this place or how are they trying to serve me, where do I order. It
32 would feel familiar, but elevated and then especially when they taste
33 the product and they can look at our menu. They realize they have
34 similar options, but they'll have new options and different things
35 that maybe they didn't realize. Whether it's a vegan or plant-based
36 options that they don't really find many other places, gluten-free
37 options, fresh product, really interesting things you can't really
38 find everywhere else, but also those tried and true classics that
39 people love: drip coffee, caramel macchiato. We have all that stuff
40 and you're going to get it and you're going to get a really great
41 quality cup of coffee.

42
43 MS. MOORE: That was my next question of give us an idea of
44 what type of drinks and items, food items are you're serving.

45
46 MR. ZAMFOTIS: Sure so my father having worked in the food
47 business forever he sort of has helped me continue develop our food
48 program which is a perfect complement to our coffee program. So all of

1 our baked goods are scratch made, baked fresh every day and so a
2 strong bakery program, limited hot food program. We don't have as many
3 skewers as a Starbucks or a Dunkin has because again we want to be
4 focused on doing really high-quality items and so we have about fix or
5 six sandwiches total that we can make efficiently, quickly, at a high
6 quality and put them out relatively fast and obviously all this comes
7 back to our coffee program where we roast coffee six days a week in
8 New York City. So we have out roasting facility in Queens. So the full
9 complement of coffee bar, all the drinks that you would expect the
10 drip coffee, cappuccino, latte, mochas. All the core products that
11 people expect out of a standard coffee operation.

12
13 MS. MOORE: And what are your proposed hours of operation?

14
15 MR. ZAMFOTIS: So it does usually depend on the specific
16 location. We would want it to fit with what the needs of that
17 neighborhood are, but we typically do 6:00AM to 8:00PM, seven days a
18 week.

19
20 MS. MOORE: And how many employees if any are you proposing?

21
22 MR. ZAMFOTIS: It's usually depends on how many full-time or
23 part-time, but it's usually between ten to fifteen team members and
24 probably about three to four per shift depending on the level of the
25 business or how much we need to be able to support it. I will say our
26 Paramus location is a very awkward build so it's spread out. It was
27 harder to operate. With the smaller footprint we can operate it we
28 believe with a nice, lean team. We don't need quite as many folks
29 because of the way that this, that our architect has helped design the
30 location. So three people can really operate this and operate it
31 efficiently and should it be extremely busy we can certainly fit more
32 people in there to make sure that the throughput is where we need it
33 to be.

34
35 MS. MOORE: And is it fair to say that the employees are
36 local?

37
38 MR. ZAMFOTIS: Yeah we would be looking to hire local team
39 members for sure.

40
41 MS. MOORE: What would you say or how many anticipated
42 visitors at any particular time if this application was to?

43
44 MR. ZAMFOTIS: Yeah obviously I would like to have as many
45 as possible to make it a successful location, but I think we're
46 looking at forty to fifty guests per hour. That includes in-house and
47 the drive thru as well so what we've seen is probably a 50/50 split of
48 folks who are using the drive thru versus folks that are using in-

1 house depending on the hour of the day, but three, four hundred guests
2 a day over the course of the fourteen hours would be reasonable.

3
4 MS. MOORE: And based on your experience what would you say
5 would be your peak periods?

6
7 MR. ZAMFOTIS: Tends to be in the morning. So, during I
8 would say that morning rush, morning. This is sort of the morning side
9 drive northbound so probably 7:00 to 10:00AM.

10
11 MS. MOORE: I'm going to get back to the operation itself,
12 but our planner and our experts will be testifying as far as the
13 site's concerned. There is a rideshare adjacent to the property. Do
14 you typically factor that into your location or locale of that
15 rideshare?

16
17 MR. ZAMFOTIS: I mean you mean as far as why we - -

18
19 MS. MOORE: Why select this site, yeah.

20
21 MR. ZAMFOTIS: We just, again I know I'm familiar with the
22 area. I've been up and down Route 9 almost my entire life. I know how
23 busy and how much traffic there can be. So we've been looking at this
24 area for a long time and obviously when we found something that made
25 sense. The rideshare didn't necessarily drive the decision-making
26 there, but we thought this would be a really great opportunity for us
27 to sort of plant our seed and join the community in Manalapan.

28
29 MS. MOORE: Okay. Now as far as your operation is concerned
30 are customers typically allowed to order online?

31
32 MR. ZAMFOTIS: Yes so we have a mobile app. Folks can order
33 ahead which we prefer. It speeds up the process so as it stands right
34 now our standard store is probably like a third of the orders are
35 coming through our mobile application. So it just reduces the amount
36 of time it takes to process the order or accept payment. They're doing
37 that all digitally. They can do that in the store or on the drive thru
38 lane. So if they're on the drive thru they can be ordering prior to
39 reaching the ordering kiosk. So we've seen that also help expedite so
40 that way even when they reach the ordering kiosk they can say I've
41 already ordered ahead. We've already received their order and it's in
42 process so we don't have to stop and take their order at the ordering
43 queue too. So that's been a popular feature at the Paramus location
44 too. We get a healthy amount of folks using the order ahead even on
45 the drive thru.

46

47

48

1 MS. MOORE: Let's get back to that as far as them using the
2 queue, what kind of mechanism do you guys have in place to monitor the
3 queue lines?
4

5 MR. ZAMFOTIS: So we use a software package called 5THRU. It
6 utilizes cameras and sensors to obviously give us visibility as to
7 what the queue looks like and its measuring time as well so it'll
8 track what the average wait times are, what the queue time looks like,
9 and it just also gives us the ability to operationalize if something
10 is going different than what we would expect. So if the line seems to
11 be getting too long I can't necessarily yell to them to order ahead. I
12 can send somebody out with a handheld device to help expedite or bust
13 those lines to kind of help move things along. So that's usually our
14 first line of defense is utilizing the camera system and we know if
15 the car queue reaches a certain point we don't want to get anywhere
16 close to being onto the highway. We would look at where at a certain
17 point that triggers somebody from the lot to take one of the handheld
18 devices, head outside, and just start taking those orders to help
19 expedite so that way we're prepared and we can move that line much
20 quicker.
21

22 MS. MOORE: In your experience in your other locations in
23 particular in the Paramus location, if somebody has a significant
24 order, a large order, how do you typically handle that?
25

26 MR. ZAMFOTIS: Right so we'd take their order as usual and
27 they would come up to pay. If it's an order of a significant size and
28 it's going to take more than our standard two, three, four minutes to
29 prepare we would ask them to pull up into a parking stall and then we
30 would run it out to them when it was prepared so it wouldn't stop the
31 line of progress. So if somebody were to pull up and wants a box of
32 coffee and a dozen breakfast sandwiches that would hold us up so we'll
33 happily take the order, process their payment, and then ask them to
34 pull into a designated spot so that way we can continue working
35 through the line and when that larger order is complete we can send
36 somebody out to bring it directly to their car so it doesn't disturb
37 the queue of cars waiting.
38

39 MS. MOORE: Let's talk about deliveries. What would be the
40 proposed delivery time?
41

42 MR. ZAMFOTIS: So right now we've been consolidating to only
43 really have one vendor that will be delivering all products to us our
44 paper, our coffee. They pick up from our central facility, our milk.
45 So they tend to come right before opening. So if we were to open this
46 store at 6:00AM they would be there most likely between 5:00 and
47 6:00AM as our team was arriving to prepare for work. So they can
48 receive the order and obviously make sure everything was in order. So

1 shortly before opening is when we tend to receive our delivery orders
2 and they're smaller. I think twelve refrigerated trucks that they're
3 instructed no idling while they're there and they just obviously need
4 to keep the refrigerant on so that the refrigerated case stays on, but
5 the truck itself motor needs to be turned off because it's in a
6 sensitive area so we don't want to be making too much noise.

7

8 MS. MOORE: And how often would those deliveries occur?

9

10 MR. ZAMFOTIS: Three times a week.

11

12 MS. MOORE: Okay, and as far as deliveries, the loading,
13 unloading how does that typically, our civil engineer will discuss the
14 loading, but just ---

15

16 MR. ZAMFOTIS: It's a smaller truck and because it's
17 happening off during non-business hours we would expect them to pull
18 to the front and just go right through the front door so right in the
19 Route 9 facing side of this facility.

20

21 MS. MOORE: And again our civil engineer is respect to the
22 garbage the civil engineer will show the location, but describe how do
23 you typically handle garbage or trash disposal? Is it private hauler?

24

25 MR. ZAMFOTIS: Yes so we would contract with a private
26 hauler usually six, seven days a week depending on how things work
27 with the size of the dumpster, how much rubbish we're producing, but
28 we obviously want to make sure we're maintaining that and there's not
29 an excessive of rubbish there and they obviously also come after
30 business hours.

31

32 MS. MOORE: And you mentioned cameras with respect to
33 monitoring the queue. What about any other security features or
34 cameras you typically have in your stores?

35

36 MR. ZAMFOTIS: Interior we have security cameras just to
37 monitor what's happening in the store during business hours as well as
38 off-business hours. Most of our stores up in cities we don't have the
39 need for external cameras, but we do have in some of our locations the
40 ability to have cameras outside to be monitoring what's going on and
41 having a record of that and that would be something we would consider
42 here too.

43

44 MS. MOORE: And last but not least, you touched on it a
45 little bit, but when people hear coffee how do you distinguish what
46 sets you apart from Starbucks or a Dunkin Donuts?

47

1 MR. ZAMFOTIS: Yeah I mean its sort of what I spoke about
2 earlier I mean we are while we still have a number of locations we are
3 still not a national chain that is just copy and pasting drinks and
4 sort of making it feel a little bit more cheap. We want to create
5 personal experiences. We train our people to be creating really
6 positive customer service interactions and really making sure there's
7 care not only put into the product they're making, but also with
8 respect to people's time. Again it was something that's been drilled
9 into me since I was a little boy. It was don't make people wait. It's
10 super important that everybody's got a place to go and especially when
11 people are trying to take advantage of the convenience of a drive thru
12 or a location like this where they've got places to go. I'd rather get
13 them their product sooner rather than later. So the team knows how
14 important that is to me so that's part of sort of the fabric of how we
15 like to run our stores. Tainted by years of watching my father run his
16 stores and making sure it was always efficient got to process those
17 lines during lunch and move those lunch lines and we're the same way.
18 We have that definitive peak of people that want their coffee in the
19 morning so we try and work really hard to make sure that we can
20 process them really efficiently and its not really just about process
21 and speed. It's sort of the marriage of that along with the high
22 quality and the touch that we put into all the products that we make
23 every day and take a lot of pride in everything that we make. Again
24 fresh products, unique products everything from your basic drinks like
25 we said people expect as well as things that innovative products that
26 they can't really find anywhere else and we've had really great
27 success with introducing our brands to communities that are kind of
28 looking for an elevated experience, but not wiling to sacrifice on all
29 the things they love, being able to get in and out quickly, using
30 mobile payment apps, loyalty reward programs, and all the other
31 benefits, being able to even have some place to sit. Many coffee
32 places I'll find today they don't want you to use their Wi-Fi. They
33 don't want to have plugs in their store. They don't even have tables.
34 They don't want people to sit in their store anymore. I've always
35 taken the opposite approach. I want people to feel welcome. I want
36 people to feel like if they want to stay, please do. Even today we see
37 a lot of people that want somewhere to get work done. They're working
38 from home a little bit more than they used to so if you want to come
39 utilize our Wi-Fi and have a little home office for a few hours at one
40 of our tables feel free to do that. So I'm very in tuned with trying
41 to connect with the local community and really give the people what
42 they're looking for and even though its a busy location on Route 9,
43 lots of cars, we know there's people in the local community that
44 probably wants some place to go and hang out and get some work done.
45 So I know I do when I'm looking for a place to stay and have a good
46 cup of coffee that's just kind of how I operate. So I'm always trying
47 sell to myself first and then also making sure that plays in with what
48 other people are looking for as well.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MS. MOORE: I have no further questions at this time.

MR. LEVITON: Ms. Moore we're going to allow you to put on your full case before we ask questions ourselves.

MS. MOORE: Okay, perfect.

MR. LEVITON: Thank you Mr. Zamfotis.

MS. MOORE: Thank you.

MR. ZAMFOTIS: Thank you.

MS. MOORE: So at this time I would like to call my next witness will be our architect, Ayman Sedra.

MR. LEVITON: Mr. Sedra, the board attorney is going to swear you in.

MR. MARMERO: If you'll raise your right hand sir we'll get you sworn in. Do you swear the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. SEDRA: Yes.

MR. LEVITON: And voir dire Albert voir dire.

MR. MARMERO: Oh sure could you give us a little of your background Mr. Sedra, education and licensing.

MR. SEDRA: Sure. I graduated in 1999 with a Bachelor degree in architecture from Egypt and I have a license, a licensed architect here in New Jersey since 2016. I'm also licensed in some other states like New York, Pennsylvania, Tennessee. My office, the name of the firm, is AS Architectural Design and located at 188 Eagle Rock Avenue Roseland, New Jersey.

MR. MARMERO: Have you testified before any planning or zoning boards in New Jersey?

MR. SEDRA: Yes I have.

MS. MOENCH: Can you spell your name please?

MR. SEDRA: First name is Ayman A-Y-M-A-N, last name Sedra S-E-D-R-A.

1 MS. MOENCH: Thank you.

2
3 MR. LEVITON: The board accepts his credentials. Welcome Mr.
4 Sedra.

5
6 MS. MOORE: Thank you, Mr. Sedra you're familiar with the
7 plans correct?

8
9 MR. SEDRA: Correct.

10
11 MS MOORE: From an architectural stand point can you walk
12 the board through the proposed architectural plan?

13
14 MR. SEDRA: Sure, I have the print out here. I'm going to
15 start with ---

16
17 MS. MOORE: Work off the laptop.

18
19 MR. SEDRA: Should I go on the screen?

20
21 MS. MOORE: Or you can work off the --- whichever one. ---
22 Yeah it's on the screen.

23
24 MR. SEDRA: Okay. So the proposed use of this building is a
25 coffee shop with a drive thru window. The building is a slab on grade
26 with no basement and has a flat roof. I will go over the floor plans
27 first which is what you see on the left side, the public side. The
28 main floor plan, the gross floor area of this floor plan is 1,385. The
29 floor plan consists of a commercial kitchen which you see on the
30 eastern side wall and also the drive thru window you see at the
31 eastern side which is the side adjacent to Franklin Lake, Franklin
32 Lane. The back side of this coffee shop has the handicapped-accessible
33 bathroom which you have two in the back. The occupant limit for this
34 space is thirty-two seats. You see the seating adjacent to the windows
35 on the side that overlooks or sees Route 9. The main entrance of this
36 building is in the center of the western wall and you see double door.
37 The serving counter you see it kind of like in the center of the plan,
38 that's the serving counter. The next sheet, the next drawing is the
39 roof plan.

40
41 MS. MOENCH: Every once in a while we have to yeah.

42
43 MR. SEDRA: Okay the next floor plan is the roof plan that
44 shows that we have a flat roof and we have two rooftop units on top of
45 the roof. These two units, they're completely not visible from the
46 street. You have high parapets. I'm going to show the height of those
47 parapets in the next image. Also I want to mention that this roof is
48 accessible from a hatch in the kitchen area. The parapets now let me

1 talk about the exterior of the building. The exterior of the building,
2 the main elevation at the bottom left side that's the main elevation
3 of the building. It consists of three materials. We have stucco. We
4 have ---. We have standing-seam metal panels. Mainly most of the
5 building design was stucco. We have small areas where we use the ---
6 the corners of the building and under the base of the windows and the
7 standing-seam metal panels used the front entrance just to give it a
8 special look for the front and the rest of the building just gray
9 stucco. These are light gray or dark gray colors. Talking about the
10 height of the building, the height from the grade to the top of the
11 roof is fourteen feet and we have some parapets. They differ in
12 height. We have twenty foot parapet. We have twenty-one, twenty-three
13 feet. We have three different heights. So from the top of the roof to
14 the lowest parapet which is twenty feet we have six foot and that's
15 more than enough to hide the rooftop units. We have also a built up
16 canopy frame, canopy above the windows and the reason for those just
17 to give the building some horizontality given that the building by
18 adding the parapets just gets taller so when we do this it just gives
19 it some horizontal view. We have also above the drive thru window we
20 have a metal canopy, or metal awning rather above the drive thru
21 window. The design of the exterior of the building give it a very nice
22 look and also the accurate proportion of the building materials makes
23 it stand and just I think this has improved the appearance of this
24 neighborhood. Also the windows, we have storefront windows. The main
25 elevation has so much windows as you see it. That's on the western
26 side and also we have some windows on the south and north side not as
27 much as the western side.

28
29 MR. LEVITON: Thank you Mr. Sedra.

30
31 MS. MOORE: I do have some. We do have a rendering if we can
32 mark it.

33
34 MR. SEDRA: Yes the rendering as well. This is the rendering
35 that shows.

36
37 MS. MOORE: And Chair we can mark it as and Madam Secretary
38 as A1.

39
40 MS. MOENCH: Both or just the rendering?

41
42 MS. MOORE: Just the rendering at this point. We have the
43 other documents as far as the plans itself they were submitted as part
44 of our application, but this is the first document that was not in our
45 package.

46
47
48

1 MR. SEDRA: And this rendering as you see it shows the main
2 entrance and it shows the west wall and the north wall and part of the
3 parking lot.

4
5 MS. MOORE: And I do have a question just going back as far
6 as one of the planner will be testifying, but we are seeking relief as
7 far as the variance is concerned. You mentioned the square footage of
8 the building is 1,385, we are seeking relief from the minimum gross
9 store area if you could just mention that a little bit. Again, the
10 planner will be testifying as the justification for the variance, but
11 we are seeking relief from that.

12
13 MR. SEDRA: Yes for the gross floor area.

14
15 MS. MOORE: I have no further questions for this witness.

16
17 MS. BEAHM: Mr. Chair can I just ask one question please?

18
19 MR. LEVITON: Sure.

20
21 MS. BEAHM: So your rear facade if you can go back to the,
22 so your rear facade which faces Franklin Lane across which our
23 residential development is pretty minimal let's say. I would like to
24 see something less minimal on that facade considering technically it
25 is a front, Franklin Lane is a front and across the street are houses.
26 So what I don't want them to see is this blank wall with this itty,
27 bitty window. There needs to be something else architecturally
28 interesting on that facade. Is that something that you guys would be
29 willing to do?

30
31 MS. MOORE: I have no objection from an architectural
32 standpoint. Ayman can you address that?

33
34 MR. SEDRA: Yeah I suppose we can dress it up and show some
35 windows.

36
37 MS. BEAHM: It doesn't have to be windows. It just has to be
38 less blank. Right now you have one tiny little window and a blank wall
39 and the front of the building looks fantastic right? That front side.

40
41 MR. SEDRA: Yeah.

42
43 MS. BEAHM: Route 9 which is great except for the houses and
44 the residents live on the other side so I get you have back of house
45 and there's issues associated with putting windows to say hey this is
46 what we're doing behind the scenes. That I totally understand, but
47 something on that facade to make it look less blank would be great and
48 I think the residents would probably should the board act in the

1 affirmative be a little bit more favorable to that instead of it just
2 looking like this is the back of us and we don't really care what you
3 think.

4
5 MS. MOORE: So I think the applicant would be willing to
6 work with the team as far as increase in that and so again that
7 visibility because it is abutting that residential.

8
9 MS. BEAHM: That would be great.

10
11 MS. MOORE: Okay.

12
13 MS. BEAHM: Thank you I really appreciate it.

14
15 MR. LEVITON: Thank you Ms. Beahm and thank you Mr. Sedra.

16
17 MS. MOORE: So in continuing our presentation. Thank you
18 Ayman. That was the only exhibit I have.

19
20 MR. LEVITON: Welcome Ms. Herring. Mr. Marmero will swear
21 you in.

22
23 MS. MOORE: At this time I'm calling our civil engineer
24 Kathy Herring.

25
26 MR. MARMERO: Okay Ms. Herring if you'll raise your right
27 hand. Do you swear the testimony you will provide tonight will be the
28 truth, the whole truth and nothing but the truth?

29
30 MS. HERRING: I do.

31
32 MR. MARMERO: Okay.

33
34 MS. HERRING: I do.

35
36 MR. LEVITON: She can tell us that she's a blue knight and
37 I'll.

38
39 MS. HERRING: Excuse me?

40
41 MR. LEVITON: The board accepts your credentials.

42
43 MR. MARMERO: I figured.

44
45 MR. LEVITON: Okay.

46
47 MS. HERRING: Thank you.

48

1 MR. LEVITON: You're welcome.

2
3 MS. BEAHM: Kathy and I have worked together for a long time
4 in our former lives.

5
6 MS. HERRING: Yes in our former lives not now, but in our
7 former lives yes.

8
9 MR. LEVITON: Any friend of Jennifer they say.

10
11 MR. HERRING: Well thank you.

12
13 MS. MOORE: Ms. Herring you were retained by the applicant
14 in your capacity as a civil engineer to prepare a site plan as far as
15 application. I know we are proposing again Gregory's Coffee. Can you
16 just give us just start by introducing us to the site. I know there's
17 an aerial exhibit if we can have that marked Madam Secretary and Chair
18 as A2 which consists of one page and its the aerial. Attorney I can
19 qualify her as far as what that picture depicts and who took it. Kathy
20 can provide some text of what that aerial depicts.

21
22 MS. HERRING: Sure. This is an aerial photograph that we
23 extracted from Google Earth. It's dated April 5, 2021 and it shows the
24 gas station when it was in existence. So we're in the C3 district,
25 general commercial zoning district. To the north is a convenience
26 store and beyond that is a commuter parking lot. To the east is
27 Franklin Lane and beyond which is the R20 residential zone and the
28 single-family residents. To the south along Route 9 is a strip mall
29 that has several retail businesses. To the west obviously is Route 9
30 and then beyond which is the Town Pointe shopping center. As we all
31 know this used to be the former Lukoil gas station and it has since
32 been demolished and has recently under gone some soil remediation and
33 at this point it is essentially soil with some brass still in the
34 background. I would like to switch over to our site and grading plan
35 and this was part of our application. Just to re-orient north is to
36 the right side of the screen with Route 9 northbound to the top. So
37 currently our property line actually extends out to the center line of
38 Franklin Lane. So as part of our application we are proposing to
39 dedicate this area back to the township and that will bring our
40 property line in alignment with the properties to the north and south.
41 Its just an oddity that we found on the tax map. So with the
42 dedication of this property our undersized lot actually gets even more
43 undersized and it will be reduced down to 24,477 square feet or 0.568
44 acres. So we are seeking bulk variance relief for the fact that we
45 have an existing, undersized lot and as Ms. Moore had mentioned that
46 triggers a lot more of the variances and waivers that we are seeking
47 relief for tonight. So essentially the lot itself necessitates these
48 variances and waivers. The other bulk variances that are being sought

1 tonight include the minimum lot depth. Two hundred feet is required
2 whereas we are proposing 124.46 feet and that's after the right-of-way
3 dedication. Again also due to the depth of the property we are seeking
4 a rear yard setback from this corner of the building to our new
5 property line. Whereas twenty-five feet is required and we are
6 proposing 22.6 feet. The minimum required improvable area required is
7 0.7 acres and we are proposing .19. We don't even have the .7 to start
8 with to even try to meet this requirement and then again the minimum
9 required improvable diameter is 150 feet and we are proposing a
10 diameter of 58 feet. So I'd like to walk the board briefly through the
11 site plan just to show it's functionality and access. So when it was a
12 gas station we are maintaining the ingress and egress off of Route 9
13 using the existing driveway aprons off of Route 9. Customers would
14 come in from Route 9 and either queue up in one of the two drive
15 aisles to place their order. In the event they either change their
16 mind and this is actually required by the township that we have a
17 third bypass lane to be able to exit the site onto Franklin Lane and
18 this exit would be signed do not enter or one way. Through the drive
19 thru customers will come along the rear and pick up their orders at
20 the pick up window and then either have the option of turning right
21 onto Franklin Lane or left and exit out the existing exit for Route 9.
22 One thing to note and this is another variance that we require, the
23 maximum driveway radius in this zone is thirty-six feet and since we
24 are keeping the existing driveway that radius is forty-four feet so we
25 are asking for relief because our intention is to keep the existing
26 curb cuts off of Route 9.

27
28 MS. MOORE: So just want to clarify that we are seeking a
29 waiver for that you mentioned that's an existing condition.

30
31 MS. HERRING: It is an existing condition due to the
32 existing driveway aprons. One thing to note as just to follow back up
33 on Greg's testimony that in the event that using his camera technology
34 the queue seems to be stacking up, patrons will have the ability to
35 place their order and then park and as Greg explained have one of the
36 employees bring their order out to them. Patrons obviously who would
37 like to sit in and dine we are proposing the twenty-one parking spaces
38 along the front and north side of the site. Two of those spaces, where
39 my cursor is, these two would be designated as EV our electric vehicle
40 charging stations which gives us another two spaces of credit for a
41 total of twenty-three spaces being proposed. The township's
42 development regulations, their parking calculations is either based on
43 square footage of the building or the number of seats and based on the
44 square footage of 1,385 feet, forty-six spaces would be required
45 whereas we are providing the twenty- three feet and as Gregory had
46 testified prior he believes that the spaces that are being provided
47 are sufficient to support his business.

1 MS. BEAHM: Kathy do you the EV what level? Do you know what
2 level charging station they're going to put in? Is it like level one,
3 level two? Do you know?

4
5 MS. HERRING: I honestly don't know.

6
7 MS. BEAHM: Oh just a question.

8
9 MR. LEVITON: Well also before you continue for the board's
10 edification Brian would you just expand a little bit on what she just
11 testified to regarding the total number of spaces that are needed, the
12 two different ways, what the ordinance stipulates, and why its high
13 and the way it should be calculated based on the number of seats?

14
15 MR. BOCCANFUSO: Sure so Manalapan's ordinance for this type
16 of use determines the parking requirement by one of two ways. Its
17 either one space per thirty square feet or one space per three
18 customer seats whichever is greater. Now its a little bit weird
19 because in almost every case the one seat per thirty square feet is
20 going to govern and that's the case on this particular site. On every
21 application I can recall reviewing with this type of use that has been
22 the case where the one space per thirty square feet it is the
23 requirement dictates the parking requirement for the site. With this
24 particular use and this particular building having 1,385 square feet
25 that results in a parking requirement of forty-six spaces by
26 ordinance. Quite frankly I don't think there's a coffee shop or
27 restaurant on the planet that is 1,385 square feet that requires that
28 much parking so perhaps it's an ordinance that we need to take a look
29 at. In any event if we apply the one space per three seats requirement
30 the parking requirement would be I believe what is it thirty-two?

31
32 MS. HERRING: Eleven.

33
34 MR. BOCCANFUSO: Right so eleven spaces would be required
35 whereas twenty-one are proposed. In addition to that we're going to
36 hear from the applicant's traffic engineer in a little bit I'm sure
37 she is going to talk a little bit about the parking, the supplemental
38 parking analysis that she prepared in utilizing the ITE parking
39 generation manual which will kind of give you a little bit more
40 information as to the actual demand for this type of use. Long story
41 short although a variance is required due to forty-six spaces being
42 required I think the twenty-one spaces that are proposed and as Ms.
43 Herring already indicated with the EV parking spaces you actually get
44 a credit so there's actually twenty-three technically. I think that's
45 more than ample to support this proposed use and I don't know that
46 there's ever going to be a situation where there's a shortage of
47 parking on the site.

1 MR. LEVITON: Thank you Brian. And Jennifer you would
2 concur?

3
4 MS. BEAHM: Absolutely concur.

5
6 MR. LEVITON: Okay, Ms. Herring.

7
8 MS. HERRING: Thank you. Okay continuing regarding the
9 parking we are requesting waivers for the dimensions of the proposed
10 parking. The development regulations require spaces ten feet wide and
11 twenty feet deep whereas we are proposing a more traditional nine by
12 eighteen which is typically seen at your more commercial or retail
13 establishments. We also need a waiver as Jen noted in her review
14 letter for the depth of the handicapped parking stalls, same reason.
15 Twenty feet is required and we are requesting eighteen feet deep. This
16 because of the undersized factor of this undersized lot and also this
17 huge balancing act that we're trying to do with landscaping and
18 buffers we don't see any detriment of going with the more traditional
19 nine by eighteen parking stalls. It enables us to have more open space
20 and less impervious coverage while still maintaining a functional
21 site. And then we'll also asking for a setback variance for the
22 parking along Route 9. Ten feet is required from the property line and
23 we are providing this buffer strip of three feet and six inches. Again
24 it dimensionally for the depth of the property to have the parking, an
25 adequate drive aisle, the lot size and then our drive aisle here
26 tapers down to twelve feet. Again the balancing act something had to
27 give and so we're requesting the relief for this buffer along Route 9.
28 I would like to now bring up my next exhibit and this would be an
29 exhibit. Okay hold on. There I go. Okay so after our TRC meeting.

30
31 MS. MOORE: Before you start could you just please identify
32 that exhibit.

33
34 MS. HERRING: I just thought about that, thank you. So this
35 is our revised site landscaping and lighting plan and it's revision
36 date is September 14, 2023 and it was prepared by E2PM After our TRC
37 meeting our landscape architect reached out to Shari Shapiro, Spero
38 excuse me, to discuss where additional landscaping can be provided and
39 also discussed the selection of different species especially along
40 Route 9. So again this is our proposed landscaping and based on our
41 conversation with Ms. Spero we added quite a bit more shrubs and
42 ground plantings around the north, south, and east sides of the
43 property and in my opinion I think this truly enhances the aesthetics
44 of the property way more than when it was a gas station. One thing to
45 note we are requesting a few waivers for the landscaping. One of which
46 is the provision of a tree for every, one tree for every ten spaces
47 along the Route 9 frontage. This buffer it just isn't wide enough to
48 be able to plant a tree however around the rest of the site

1 considering that we have twenty-one spaces we are providing six
2 October Red Glory Maples and then three Little leaf Linden along the
3 south side of the site.

4
5 MS. MOORE: Kathy let's talk about your landscaping again we
6 indicate that we do have an undersized lot and to the extent best
7 efforts to really to try maximize as much landscaping that we could.
8 Was that the intent when you spoke to the city's landscape architect
9 and then deal with our landscape architect really we have limitations
10 as far as lot size is concerned, but really try to maximize to the
11 best possibility in trying to make this like you said the beautiful
12 architectural design of it plus the architectural feature.

13
14 MS. HERRING: Yes.

15
16 MS. MOORE: Because we are concerned with the aesthetics.

17
18 MS. HERRING: Absolutely, absolutely. We really did make our
19 best effort to landscape as much as we could on the property. So
20 around the building itself we are proposing foundation plantings
21 consisting of fountain grasses along with rugose roses and some
22 Japanese holly around the rear of the trash enclosure. Along the north
23 side instead of having the foundation plantings against the foundation
24 of the building itself we pushed out and widened the landscaping
25 buffer to be adjacent or between the outdoor seating area and the
26 drive aisle and that's basically for safety reasons and aesthetics to
27 have that additional separation between as I said the seating area and
28 the active drive aisle. So we are requiring a waiver for the fact that
29 we're not providing foundation plantings right up against the north
30 side or along the building frontage. Along the south side here we're
31 providing or proposing river rock and primarily that's because in the
32 southeast corner we have the building and then right next to it would
33 be the trash enclosure where quite frankly I don't think nay
34 landscaping really would be surviving in that narrow strip and then
35 also the river rock would help facilitate when any employees needs to
36 access the dumpster area that they could just be able to walk across
37 the stone instead of having that area landscaped. Another waiver that
38 is required just due to the layout we are providing a landscaping
39 buffer around the trash enclosure on the east side, however, along
40 where the drive lanes are we are not proposing any landscaping and we
41 are requesting a waiver for that and in my opinion along the south
42 property line we are proposing a substantial landscape buffer along
43 with the existing fence which I think provides a buffer along the
44 south side of the property. One thing that Jen mentioned in her letter
45 that she noted that ten percent of the total area of parking shall be
46 landscape and asked for this to be confirmed. The area of parking
47 including the loading area is 16,302 square feet and the total area of

1 landscaping which I considered everything that's green that's slightly
2 more than 5,900 square feet which is about thirty-six percent.

3
4 MS. BEAHM: I would just say the intent of that is to have
5 landscaping in the parking lot, which I totally understand is not
6 really a feasible alternative.

7
8 MS. HERRING: Okay.

9
10 MS. BEAHM: And so I would it's totally up to you, but I
11 would request the waiver, but then I would submit to the board that I
12 feel like they've taken the landscaping and put it sufficiently around
13 the perimeter to mitigate for not putting it in the middle of the
14 parking lot which I don't generally support anyway, plows don't like
15 it, they don't generally survive, they become tripping hazards, they
16 become ashtrays. So I would prefer it around the perimeter so I would
17 say I would request the waiver and I would submit to the board that I
18 don't take any exception to the relief that's being requested and I
19 think what they've done is a good alternative to mitigate for that.

20
21 MR. LEVITON: So they should request a waiver and while
22 we're on the topic the buffer on Route 9 doesn't include a sidewalk?
23 Because the landscaping to the north I'm worried that it may close off
24 access from the commuter lot to the bus stop.

25
26 MS. BEAHM: So technically the sidewalk along any roadway is
27 typically not on the applicant's property. It's in the right-of-way of
28 whatever roadway you're fronting. I don't think there's sidewalk
29 there. Is there? I'm not a hundred percent sure, but if sidewalk were
30 to be put in it wouldn't be on their site. It would be in the D.O.T.'s
31 right-of-way which is a lot wider than the actual cart way.

32
33 MR. LEVIRON: So I'll ask Ms. Herring, is there a sidewalk
34 there?

35
36 MS. HERRING: There is. Along Route 9 there is.

37
38 MR. LEVITON: There is?

39
40 MS. HERRING: There is currently sidewalk yes.

41
42 MR. LEVITON: Okay.

43
44 MS. BEAHM: But it's in the right-of-way right?

45
46 MS. HERRING: It is.

47
48 MS. BEAHM: It's not on your property?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MS. HERRING: Correct.

MS. BEAHM: Which is very typical.

MR. LEVITON: That's fine, but they're dedicating the right-of-way in the back to the township. It won't be a right-of-way on the other side.

MS. BEAHM: Well they're basically pulling, right now their property goes to the middle of the road. Their property line goes to the middle of the road. So they're I mean I'm sure Brian would have asked for it anyway, but they're dedicating that half width back to the township. It looks like there's sidewalk there, right? Along Franklin Lane so there's sidewalk along that frontage. They're proposing sidewalk along.

MR. LEVITON: Okay, thank you continue.

MS. HERRING: Okay so to that note we would like to request the waiver for providing the landscaping within the parking lot.

MR. LEVITON: Absolutely Mr. Marmero is taking notes. It's dually noted.

MS. HERRING: While on this plan I'd like to this touch on the lighting real quick. We have post-mounted lights around the perimeter and the mounting height of those lights is fifteen feet and then we also have six wall-mounted lights and those would be mounted at ten feet. And to be considerate and respectful to the residents to the east the two pole-mounted lights and these two wall-mounted lights will be dimmed down to fifty percent one hour after the close of business. I know in both Brian and Jen's letter they had made mention of the need for a buffer along Franklin Lane for landscaping where a property that abuts a residential zone shall have a buffer of fifty feet, a minimum fifty feet and it was calculated for this project that it should be fifty-eight feet. So I guess my question and maybe I'm seeking clarification from the professionals is that the lot itself once the right-of-way dedication has been granted to the township, the property line does not actually abut the zone district because the zone district line runs through the center line of the road. So as opposed to having two adjacent lots and the zone boundary goes along that common lot line so I'm looking for I suppose clarification on if that buffer requirement actually is needed or even how that fifty-eight came to be.

1 MR. BOCCANFUSO: My interpretation is I'm reasonably certain
2 that in the definitions of the township ordinance that abutt includes
3 across the street and therefore it is applicable.

4
5 MS. HERRING: Okay, okay.

6
7 MR. BOCCANFUSO: Even if that's not the case I can tell you
8 that it has been interpreted that way consistently in the past.

9
10 MS. HERRING: Okay.

11
12 MR. BOCCANFUSO: So my recommendation is that the relief is
13 necessary, fifty-eight feet is required whereas whatever it is, is
14 proposed. You are seeking a D variance I recognize and acknowledge
15 your testimony you provided and totally understand the challenges that
16 you have due to the geometry and size of the lot, but I do think the
17 fifty-eight foot requirement is applicable. So I think that the relief
18 is needed and just while I have the floor there was some testimony
19 just now from Ms. Herring and I think I might have called you Ms.
20 Harrity before or referred to you as Ms. Harrity I apologize which is
21 kind of ironic because our conversation earlier in the week you were
22 fearful that you were going to butcher my last name.

23
24 MS. HERRING: That's okay.

25
26 MR. BOCCANFUSO: But in any event there was discussion about
27 the landscaping following the release of our most recent engineering
28 report of October 13th I had an opportunity to speak with Shari Spero
29 about the revised plan and the variances and design waivers that were
30 still necessary and while she acknowledged that the landscaping plan
31 had improved and while she didn't have a major issue with the relief
32 that was necessary she did feel that there was an opportunity to
33 further enhance the landscaping in that narrow buffer area where the
34 relief is required. Perhaps with some more evergreen trees or
35 deciduous trees she felt that what was out of there was largely shrubs
36 and grasses. So my recommendation would be if the board is amenable to
37 granting the design waivers that are necessary for landscaping that
38 that be conditioned upon the applicant working with Shari or whoever
39 else in our landscaping department to satisfy any outstanding
40 technical comments specifically as they pertain to that buffer area
41 along Franklin Lane.

42
43 MR. LEVITON: Thank you Brian.

44
45 MR. BOCCANFUSO: Sure.

46
47 MR. LEVITON: The board acknowledges the applicant's working
48 with Ms. Spero and we turn to you Ms. Herring or.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MS. HERRING: If we receive a favorable vote this evening we will absolutely agree to work with Ms. Spero on further revising the landscaping plan.

MR. LEVITON: Thank you Ms. Herring.

MS. HERRING: One thing I did.

MR. LEVITON: Just a second.

MR. MARMERO: Brian you are correct, abut as its defined here does include the term directly across from.

MS. HERRING: Okay thank you for the clarification.

MR. MARMERO: Sure.

MR. LEVITON: So interesting right?

MS. MOORE: I just want to know Mr. Marmero we did notice for that so we are seeking for that relief.

MR. MARMERO: Yeah and you guys kind of catch all for any additional bulks and waivers so that's fine.

MS. HERRING: One thing I wanted to note and I had spoken with Brian earlier this week, we were discussing the need for an accessible route from this handicapped parking spot to the building. So we can look into shifting these spaces and the EVs such that the accessible aisle is a more direct route from the handicapped designation and also to look into installing a handicapped ramp which or just even provide better pedestrian circulation as opposed to walking literally through the landscaping to get to the building so Brian and I had discussed which was one of his comments in his letter. Just real briefly just to discuss stormwater management. I submitted a statement to the board stating why in my opinion I don't believe that this project falls under the definition as a major development. It was previously developed. It has since been demolished and the asphalt has been removed and that is a result of the soil contamination and the clean up and our intention is to obviously restore the property a lot with actually less impervious surface than is existing and I believe Brian concurred with the conclusion of my statement.

MR. BOCCANFUSO: I don't take any exception to the statement. It was a sign and sealed statement from a professional engineer. Its kind of, it's unique language in the stormwater management regulations that you kind of have to look at the least

1 impervious condition of the site over a period of time, but in this
2 case because it was associated with environmental remediation and its
3 temporary I don't have any issue with Ms. Herring's conclusion that
4 this is not a major stormwater development and therefore not subject
5 to the applicable regulations.

6
7 MR. LEVITON: Are you comfortable that whatever they do on
8 the site if they get the relief that they need will not negatively
9 impact on the development Holiday North behind it Franklin Lane?

10
11 MR. BOCCANFUSO: Yes I am confident of that because as was
12 testified to the end result of this development would be measurably
13 less impervious coverage than the pre-existing conditions associated
14 with the Lukoil use. So that alone would have a positive benefit from
15 stormwater management standpoint.

16
17 MR. LEVITON: Thank you Mr. Boccanfuso.

18
19 MR. BOCCANFUSO: Sure.

20
21 MR. LEVITON: Ms. Herring.

22
23 MS. HERRING: Okay. Briefly just to explain how we are
24 managing the stormwater we have roof drains from the building that
25 will be all tied together and they will be connected to the existing
26 inlet on Franklin Lane and then also along the frontage on Route 9 we
27 have existing trench drains along the driveways. During construction
28 we will investigate and if they need to be cleaned or repaired or
29 replaced we will do that during construction. During my conversation
30 with Brian earlier in the week I had provided him some exhibits that
31 he had requested regarding sight triangles and traffic circulation and
32 I believe Brian had no exceptions or issues with those exhibits.

33
34 MR. BOCCANFUSO: Yeah no issues with the exhibits and the
35 sight triangles shown. The one thing I did ask was that those sight
36 triangles be added to future plans submissions.

37
38 MS. HERRING: We will do so. I believe that concludes my
39 testimony if either one of the professionals has any.

40
41 MS. MOORE: I do have a follow up Kathy. I know there was a
42 question in the planner's report respect to our floor area ratio on
43 the calculations.

44
45 MS. BEAHM: I'm good.

46
47 MS. MOORE: Okay.

48

1 MS. BEAHM: I'm good with that. I'm good with that. I spoke
2 to Brian about it and we're good with that. I do have one question
3 though. Are you proposing any fencing, any additional fencing?
4

5 MS. HERRING: No other than the fence across the garbage
6 enclosure.
7

8 MS. BEAHM: Right, but a perimeter fence?
9

10 MS. HERRING: No.
11

12 MS. BEAHM: Okay.
13

14 MR. LEVITON: Didn't I hear testimony about fencing in the
15 southside?
16

17 MS. HERRING: That's the existing fence.
18

19 MR. LEVITON: Oh.
20

21 MS. BEAHM: Yeah I'm asking about any new fencing.
22

23 MR. LEVITON: Okay.
24

25 MS. BEAHM: And then are you going to talk about signs or is
26 someone else going to talk about signs? Or is Nick is going to talk
27 about signs back there?
28

29 MS. HERRING: Somebody else will be testifying to the signs.
30

31 MS. MOORE: Let's just address so we can address the signs.
32 So this application does not involve any signs you can see on the
33 architectural. It's the applicant's intent that any signage would have
34 to come back at a later time so we're not showing any signage on our
35 plans. I know that was a comment that you had in your report.
36

37 MS. BEAHM: Yeah I was just curious because there were
38 definitely some references to signage and then even in the demolition
39 and the existing conditions plan it shows existing signage not having
40 come down.
41

42 MS. MOORE: There is I don't know if you want to bring back
43 Ayman. There is an existent sign on the property, I don't know Ayman?
44

45 MR. SEDRA: The pylon sign.
46

47 MS. MOORE: The pylon sign. Is that what your question
48 you're talking about?

1
2 MS. BEAHM: Is that going to stay?

3
4 MS. MOORE: That's going to stay.

5
6 MS. BEAHM: Is it going to be expanded or are you just going
7 to re-face it or what's the plan?

8
9 MS. MOORE: You have to testify.

10
11 MS. BEAHM: So I'll ask you so you're going to re-face.

12
13 MS. MOORE: Yes.

14
15 MS. BEAHM: You're going to use the existing frame. You're
16 not going to expand the square footage of the existing sign?

17
18 MS. MOORE: Yes.

19
20 MS. BEAHM: Okay thank you.

21
22 MR. LEVITON: Thank you Ms. Herring.

23
24 MS. BEAHM: Yes.

25
26 MS. HERRING: Any questions?

27
28 MR. LEVITON: We hold them in abeyance. We just try to get
29 the entire affirmative case on the record and then.

30
31 MS. HERRING: Thank you.

32
33 MR. LEVITON: Then our professionals will have at it and
34 then we will.

35
36 MS. MOORE: It runs smoother so no I appreciate it. So at
37 this time I would like to bring our traffic engineer Elizabeth Dolan.

38
39 MR. LEVITON: Welcome Ms. Dolan. Mr. Marmero will swear you
40 in. I've heard wonderful things about you.

41
42 MS. DOLAN: Well thank you.

43
44 MR. LEVITON: You're welcome.

45
46 MR. MARMERO: If you raise your right hand I'll get you
47 sworn in. Do you swear the testimony that you will provide will be the
48 truth, the whole truth, and nothing but the truth?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MS. DOLAN: Yes I do.

MR. MARMERO: Okay and do you need your?

MR. LEVITON: Yeah just for the record. I don't because she comes highly recommended.

MR. MARMERO: Sure Ms. Dolan if you can give us a little of your background in terms of education and licenser.

MS. DOLAN: Sure I have a Bachelor of science degree in civil engineering from Rutgers. I'm a licensed professional engineer registered in New Jersey and my license is in good standing. I have been practicing traffic engineering for close to forty years and I've testified throughout New Jersey in multiple municipalities. I have not been here in ages and I've also had the opportunity to review traffic, parking, and D.O.T. aspects of applications on behalf of planning and zoning boards.

MR. LEVITON: Thank you Ms. Dolan. The board accepts your credentials.

MS. DOLAN: Thank you.

MS. MOORE: So Ms. Dolan your firm was retained again to provide the traffic. You provided a traffic and parking study most recent report is September 26, 2023. If you want to run the board through the methods that you used and then I have some further questions as far as any --- that you may.

MS. DOLAN: Sure that's correct September 26th was our last letter and that was prepared after having the TRC meeting. Originally I had issued a report that addressed the original site plan as Kathy talked about tonight we've reduced the building area so my latest report has calculations based on that area and the current plan. One of the things that will be required I believe is a condition of approval is a letter of no interest from NJDOT. We don't require any permit from D.O.T., but the calculations that have been submitted to the board and reviewed by Brian are the ones that will go to D.O.T. with the request for the letter of no interest. The coffee use is definitely going to generate more activity in the morning than throughout the course of the day, but the increase over the prior gas station is only sixty-five trips. The state highway access management code qualifies a significant increase in traffic as one hundred or more trips in an hour. So because we're not proposing any modifications to the driveway because we will maintain access on Franklin Lane and because we won't have a significant increase in

1 traffic we should get that letter of no interest and then that would
2 be a hopeful condition of approval for resolution compliance. The
3 other part of the report that we provided was some research from
4 Gregory's because there's only one Gregory's in New Jersey with a
5 drive thru so we went and counted it and we found thirty-two entering
6 and thirty-two exiting trips during the morning peak hour so that's
7 the one highest, busiest hour. You heard from the applicant that 6:00
8 to 10:00 is typically the coffee hour and we certainly have the same
9 experience from Dunkin and Starbucks. So the numbers that we counted
10 at Gregorys are much lower than the numbers that we have to use for
11 our D.O.T. analysis and I think that based on the applicant's
12 testimony you understand it's a little bit different program than
13 Dunkin and Starbucks and we were also asked to look at the Starbucks
14 down the street and that peak hour a hundred and four vehicles
15 entered, ninety-four exited so it's a total of 198 trips which is
16 significantly greater than what we're seeing at the Gregorys research.
17 Since - -

18
19 MS. MOORE: Before you continue I just want to just for
20 clarification in your reports so the Gregory's Coffee that we're
21 talking about in Paramus that's also on a highway? That's on Route 17?
22

23 MS. DOLAN: That's on Route 17 that's correct.
24

25 MS. MOORE: And when did you do those studies?
26

27 MS. DOLAN: They were done back in June, June 29th at the
28 Route 17 site and then the Starbucks counts were done Thursday July
29 27th of this year. So everything was done in preparation for the
30 submission and at the request of the TRC.
31

32 MS. MOORE: And that Starbucks you're referring to is that
33 Starbucks on Route 9?
34

35 MS. DOLAN: Yes on Route 9 south of the proposed site
36 location, correct because we were looking for a little bit of
37 comparative information and so that brings us then to the parking
38 which I thought I was really going to have to defend tonight, but I
39 don't think I have to because we had a discussion about the odd
40 ordinance requirement. So we're providing I'm sorry the requirement
41 would be forty-six spaces which I have never seen a coffee shop have
42 forty-six parking spaces and the Institute of Transportation Engineers
43 does have some parking demand data from the parking generation manual
44 and their ratio based on studies that traffic engineers have performed
45 and submitted is 8.7 spaces per thousand square feet which would
46 result in I'm sorry twelve spaces and that seems to be pretty
47 consistent with most coffee shops in the area that we have studied and
48 a parking demand of forty-six spaces would never materialize and also

1 because there is the drive thru component that helps to reduce the
2 parking demand. One of the things that just to get to the other D.O.T.
3 aspect is that we have the ability to on site to queue at least
4 thirteen vehicles in this double drive thru. D.O.T. has an unwritten
5 requirement for fourteen, but with the design that Kathy was
6 explaining we also have that bypass. So if there were a fourteenth
7 vehicle that got into the driveway entrance area there would be that
8 bypass and people could recirculate around and park, but again with
9 all of the new monitoring systems and the more efficient layouts of
10 these restaurants the employees are taking fewer steps so they can
11 process the orders faster and as was also testified earlier we all
12 have our smartphones and can place orders and that helps to make
13 things more efficient as well. So from a traffic perspective I think
14 we've got ample parking. I think we've got ample circulation. I know
15 there's a variance for the parking stall size, but I'd also point out
16 is again the Institute of Transportation Engineers and most ordinances
17 are recognizing that ten by twenty is really not needed except for
18 places maybe like a Wawa or QuickChek where you've got really high
19 turnover, but for this type of use I would endorse the nine by
20 eighteen without there being any hardship to the circulation. So from
21 a D.O.T. perspective letter of no interest from a layout perspective
22 we have ample queuing. I think from an operations perspective there's
23 been a lot of changes I know that during Covid we all noticed what was
24 happening with the drive-thrus, but I think we've gotten away from
25 that and like I said with this particular design we've got that relief
26 valve because if somebody comes in and they can't get into the queue
27 they'll take that bypass lane, go back out, and then they can re-enter
28 from Franklin and park.

29
30 MR. LEVITON: Thank you Ms. Dolan.

31
32 MS. DOLAN: You're welcome.

33
34 MS. MOORE: So I have no further questions. I know Brian had
35 in your report a number of questions you require for the traffic
36 engineer. I know we submitted that report so I don't know if you has
37 any further clarification. I believe her report addressed a number of
38 comments in your letter.

39
40 MR. BOCCANFUSO: Yeah so Mr. Chairman I can handle this
41 however you want. If you want to withhold questions until the end, we
42 can certainly do that. The one thing I do want to put on the record
43 right now though is our most recent report of October 13th indicated
44 that there were some things lacking based upon the TRC meeting. At the
45 time my report was finalized and released I was not in receipt of the
46 most recent traffic study so some of the questions in the report were
47 addressed with the updated traffic study and also with Ms. Dolan's
48 testimony here tonight. I do still have a couple of questions and

1 comments, but I think as you alluded to earlier we can hold those to
2 the end. I'm certainly willing and able to do that if you prefer.

3

4 MR. LEVITON: No Brian I'd rather hear from Mr. McDonough
5 and then go to my professionals.

6

7 MS. MOORE: So I do have my planner. It's not Mr. McDonough,
8 but I'm sure someone's is standing here so we can bring them in.

9

10 MR. LEVITON: Okay. Then Mr. Marmero will swear you in sir.

11

12 MR. MARMERO: If I could get you to raise your right hand
13 sir. Do you swear the testimony that you will provide will be the
14 truth, the whole truth, and nothing but the truth?

15

16 MR. GRAVIANO: I do.

17

18 MR. MARMERO: Okay and can you state your name for the
19 record please?

20

21 MR. GRAVIANO: Yes my first name is Nicholas with an H, last
22 name Graviano G-R-A-V as in Victor-I-A-N-O.

23

24 MR. LEVITON: Welcome Mr. Graviano.

25

26 MR. MARMERO: And could you state some of your background
27 and credentials for the board please?

28

29 MR. GRAVIANO: Yeah so I hold a Bachelors degree from
30 Rutgers University, a Masters degree in city and regional planning
31 from Rutgers University, a law degree from the Temple University
32 School of Law where I received a distinguished class performance in
33 state and local government law. I'm a licensed professional planner in
34 the state of New Jersey. I hold an AICP certification. I've been
35 before over a hundred boards in eighteen counties including being
36 previously qualified by this board when you were still doing the stuff
37 on Zoom.

38

39 MR. LEVITON: Then welcome back sir and the board accepts
40 your credentials.

41

42 MR. GRAVIANO: Thank you for having me.

43

44 MS. MOORE: So Mr. Graviano we've indicated throughout this
45 presentation tonight that we're seeking certain variances in
46 particular the D1 use variance as well as the bulk variances and
47 waivers. Before you start your testimony as far as the justification

1 if you can give the board an overview of what items if any you had an
2 opportunity to review in anticipation of testimony tonight.

3

4 MR. GRAVIANO: Yes I reviewed the applicant's submission
5 materials including the site plan and architectural plans and
6 application as well as the board professionals' review letters as well
7 as the township zoning ordinance master plan and master plan
8 reexaminations.

9

10 MS. MOORE: And if you can start and give us a planning
11 overview of this land use application?

12

13 MR. GRAVIANO: Yes the professionals before me did a great
14 job of explaining this application. I'm going to keep certain things
15 brief and get into a little bit more detail when I'm giving the
16 justifications for the variances, but the applicant is before you this
17 evening requesting preliminary and final site plan approval with
18 associated use variance and C variance for specific piece of property
19 known as Block 8, 11.03 on the township tax maps. It's a parcel with a
20 street address of 360 Route 9 North. It is in the C3 district with a
21 lot size after the roadway dedication of 24,477 square feet. As you
22 heard in previous testimony this was a former gas station location
23 that has since been demolished with environmental remedial action
24 being conducted on the site. The applicant is requesting the D1 use
25 variance to permit the category three restaurant which is not
26 permitted in the C3 district on Route 9 it is permitted on Route 33.
27 You heard previous testimony regarding the neighborhood. It is
28 abutting the convenience store and a park and ride to the north.
29 There's a strip center to the south. This is part of that crescent
30 shaped area between Route 9 and the Franklin Avenue which contains the
31 wide array of commercial uses. We're all familiar with them as being
32 people who travel down Route 9 frequently. Myself I was using the
33 float spa there pretty frequently so I'm very familiar with this area.
34 I would like to note as you all know at the southern end of this
35 crescent-shaped area is the Dunkin Donuts and the Starbucks so this is
36 certainly a part of the municipality that is familiar with these type
37 of land uses. Now all this time away from your friends and family have
38 taught you that the board has the power to grant D1 variance in
39 particular cases and for special reasons that's a positive criteria
40 the D1 variance. New Jersey courts have held that promotion of the
41 general welfare is the purpose that amplifies that term special
42 reasons so the benefit to the general welfare of a non-inherently
43 beneficial use is the development of it in a site that is particularly
44 suited very enterprise that is proposed. Now this applicant does not
45 need to demonstrate that there are other viable locations for this
46 proposal within the township just that this site has characteristics
47 that make it appropriate and then lastly with respect to the negative
48 criteria the applicant must demonstrate that relief can be granted

1 without substantial detriment to the public good and without a
2 substantial impairment to the zone plan or zoning ordinance. When
3 breaking down the prongs of the D1 use variance analysis we're going
4 to dive into particular suitability. So in this case the site is
5 located near the commuter parking lot. It's certainly a use that could
6 be complementary to that use and serve the commuters of that area.
7 Additionally this is located on a highway parcel where similar type
8 uses exist and this is not a foreign land use for the area.
9 Additionally we heard discussion on the lot size. This is an
10 undersized lot by roughly 15,500 square feet and the applicant's
11 business model requires a modest building which can be accommodated on
12 a lot of this size making it particularly suited for the proposal.
13 Looking at the advancement of the purposes of zoning and the municipal
14 land use law, this proposal certainly advances purpose A to encourage
15 municipal action to guide the appropriate use of land in a matter
16 which will promote the public health, safety, morals, and general
17 welfare. This applicant certainly bringing an undeveloped highway
18 parcel to a productive use generating tax ratable. Additionally
19 providing employment opportunities for the township's residents,
20 eliminating the nuisance factors associated with vacant or
21 underutilized properties and then lastly the roadway dedication
22 standardizes the right-of-way promoting the general welfare of the
23 township. This proposal also advances purpose G to provide sufficient
24 space and appropriate location for a variety of commercial uses to
25 meet the needs of New Jersey citizens. As I stated in the particular
26 suitability analysis this is a stretch of highway with similar uses
27 and the existing lot provides sufficient space for the proposed use.
28 Lastly you saw the very attractive design building and the extensive
29 landscaping plan which the applicant has worked very diligently with
30 the board professionals on. Certainly helps promote a desirable visual
31 environment to create a development techniques and good civic design
32 and arrangements. Moving on to the negative criteria you heard two
33 engineers discuss how the site will function safely and efficiently
34 based on the design provided. The site is visually and functionally
35 compatible with the commercial character and established land uses of
36 the area. Additionally you heard testimony that this use generates
37 less vehicular trips than the previously existing gas station which
38 existed on site. Looking at the substantial detriment to the zone plan
39 or zoning ordinance this relief certainly exists to a distinct site
40 with distinct characteristics and the project is certainly consistent
41 with the master plan and master plan re-examination objectives of
42 promoting a stable ratable and employment base. So there's certainly
43 not a substantial impairment to the zone plan or zoning ordinance with
44 this proposal. Moving on to the requested C variances, many of the
45 existing C variances, actually all of the existing C variances due to
46 existing conditions can be granted under the C1 criteria whereas
47 strict application of the township zoning ordinance would create an
48 undo hardship upon a developer. These existing condition variances

1 relate to the variances highlighted and the board planner's letter
2 dated October 16, 2023. The existing conditions variances include the
3 variance for the minimum lot area, minimum lot depth, minimum
4 improvable area, and minimum diameter required for the C3 zone. All of
5 the proposed variances which are created by this application relating
6 to the minimum rear yard setback, minimum gross floor area, minimum
7 front yard setback, the landscaping relief, the parking relief, and
8 the circulation relief which were discussed by the applicant's
9 engineer. They can be granted under the C2 criteria whereas hardship
10 need not be demonstrated what must be demonstrated is that relates to
11 a specific piece of property. Here you have an undersized,
12 underutilized property on Route 9 within the township. This request
13 certainly advances the purposes of zoning as outlined in the D1 use
14 variance testimony purposes A, G, and I and those C2 variances could
15 be granted without substantial impairment to the zone plan or zoning
16 ordinance.

17
18 MR. LEVITON: Thank you Mr. Graviano. Do you have anything?
19

20 MS. MOORE: I have nothing further at this time.
21

22 MR. LEVITON: Do you have anyone else that you want to put
23 in front of the board?
24

25 MS. MOORE: That concludes my case ---
26

27 MR. LEVITON: Okay then let's start with you Jennifer while
28 Mr. Graviano's here do you take exception to anything that he
29 testified to?
30

31 MS. BEAHM: Yes I do. I'm not quite sure how a private
32 retail establishment promotes a general welfare. I think that that is
33 stretching things beyond. I also don't when you're looking at
34 appropriate development and appropriate location the town has had
35 multiple opportunities to look at this area for these types of uses
36 and have actively sought to not modify the zoning to allow for it so I
37 take exception with that. I do not take exception with the promotion
38 of a desirable visual environment and lucky for you only need to
39 comply with one of the goals of zoning. You don't need to comply with
40 three. So that part of it I don't take exception to and I also think
41 while I understand why it was done for the remediation purposes I
42 think had you left the dilapidated gas station up there I think that
43 that point would have been driven home even more that this is going to
44 be a much better aesthetic than was there previously. One of the
45 issues that I do also have with the negative criteria analysis is
46 right now currently in the morning there's a significant queue problem
47 on Franklin Lane. I understand that its not obviously from this site,
48 but it is on Franklin Lane from the existing uses Starbucks, Dunkin

1 Donuts that exist there and is a negative circumstance in terms of
2 traffic and that I understand the testimony provided and that there's
3 provisions that would prevent additional queuing off site from this
4 location, but you didn't touch on it at all and so I think that
5 evaluating the impact of this particular use given the existing issues
6 at this part of town should have been evaluated and I think and I'm
7 going to turn it to Brian because I know he has questions too, but I
8 don't take any exception to the bulk variances. I do agree
9 wholeheartedly that the site is significantly undersized. No matter
10 what went on this property it was never going to comply with size and
11 setbacks and buffering and those things given the fact that it is half
12 the size of what the zone envisioned for a property. So the bulk
13 relief I totally agree and I would feel if this I think its a C1
14 situation where if the site is undersized there's no ability to
15 increase the area of the property they've done a good job with
16 limiting the size of the building. The maximum they can to minimize
17 the reliefs necessary, but no matter what there like a parking space
18 could go there and ninety percent of those bulk variances would of
19 been required anyway.

20

21 MR. LEVITON: Jennifer the bulk variances are triggered by
22 the undersized lot.

23

24 MS. BEAHM: Yes.

25

26 MR. LEVITON: But the circulation issue he's going for a C2
27 he testified to. Correct Mr. Graviano?

28

29 MR. GRAVIANO: I used both C1 and C2 for the variances
30 proposed. You can make arguments that it is a self-created variance. I
31 was erring on the side of caution with respect to that, but I do think
32 there are certain design choices that were made with this site based
33 on one the undersized nature of the lot. The lot is irregularly-shaped
34 so there is certain considerations that are based on C1-based
35 criteria. Another one is it contains two street frontages so there are
36 a lot of factors that play that could contribute to using a C1
37 variance analysis relief.

38

39 MR. LEVION: Well irrespective of what he's looking for in
40 the way of relief.

41

42 MS. BEAHM: I'm not sure what you're talking about because I
43 don't have a variance for circulation. So I'm not sure what.

44

45 MR. LEVITON: He just testified that circulation he was
46 going ---

47

48 MR. GRAVIANO: That was the heading of your letter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MS. MOORE: I just want to clarify that in the planner's report there are certain variances are grouped in terms of parking and circulation, but we're not seeking relief for.

MS. BEAHM: Those are waivers.

MS. MOORE: Exactly yeah.

MS. BEAHM: They wouldn't be variances so they're not even applicable to C1 or C2.

MR. LEVITON: So your concern is related to queuing?

MS. BEAHM: So my concern is that so what I would submit to the board is that they do have a positive goal of zoning in the desirable visual environment so I do think from that standpoint they do meet that prong, but I do think that the board needs to consider the balance of and taking into consideration all the testimony that has been provided that this is not a Starbucks. This is not generating and I think I'm paraphrasing Ms. Dolan's testimony its not generating two hundred vehicle trips in the peak hour. It's more like generating sixty vehicle trips in the peak hour which is a significant difference, but that the board is going to have to weigh whether based upon the testimony that's been provided the mitigation measures that the applicant has provided to us in terms of if the queue gets too long what they're going to do with it, etcetera, etcetera, to make sure that cars are not waiting on the highway and whether or not you feel like there will be a negative impact to the surrounding land uses as based on this use at this location given the current ---

MR. LEVITON: A substantial.

MS. BEAHM: Correct. Now I would submit and of course I don't vote so my vote doesn't really matter, but I do feel there was substantial testimony number one its a small building, number two the vehicle trips is significantly less than you would expect from a Starbucks, number three they did provide testimony that there are triggers in place and I didn't really get a chance to ask the applicant these questions, but I guess I can ask them to you and whenever the appropriate person comes up. My question is who monitors that because given the fact that there's thirty-seven locations within the east coast or whatever and there's other Gregory's Coffees whether its Paramus, New York, whatever who's responsible for managing that and what the trigger is to get someone out there with an iPad to move the queue along. So that's just something that I would like to have addressed because quite honestly if the queue can be managed on site

1 my concerns about the impact to the area become negated. So I think
2 that and that's where the balancing comes in right?

3
4 MR. LEVITON: I'd like to hear from Mr. Zamfotis about that
5 that it didn't even occur to me that corporate would be monitoring the
6 queue.

7
8 MS. BEAHM: I don't know that's my question.

9
10 MS. MOORE: And I can clarify that. We can bring that up in
11 my testimony that there's actually persons on site and they're high
12 personnel, but Gregory if you can I don't know if you want to switch
13 seats or if you can to address that question.

14
15 MR. BOCCANFUSO: Mr. Zamfotis just before you get into that
16 could you kindly spell your last name for me?

17
18 MR. ZAMFOTIS: Sure sorry Z like zebra-A-M like Mary-F like
19 Frank-O-T like Tom-I-S like Sam.

20
21 MR. BOCCANFUSO: Just like it sounds.

22
23 MR. ZAMFOTIS: Yeah starts with a Z and it always throws
24 everybody off. No the monitoring of the queue would certainly be
25 happening at the store level so every store that we operate has their
26 own general manager and then above that would also be a district
27 manager. So a district manager would be overseeing the New Jersey
28 stores. So this would be six stores, but we wouldn't be relying on an
29 outside person to be monitoring it. It's the manager on staff and even
30 then we also have multiple assistant managers who also will be.
31 Obviously I don't expect one person to be there twenty-four or for all
32 those hours. So we typically have one general manager and up to two
33 assistant managers as well to have coverage throughout the week, but
34 that being said we do typically have standard operating procedures to
35 be able to monitor so depending on the location we would say if that
36 stack is reaching I'd have to look at the exact amount, but if it's at
37 the sixth car or seventh car if it starts to get more than seven cars
38 in the queue let's say for example that would trigger the event where
39 an employee would have to go outside and manage that line.

40
41 MS. BEAHM: So that was my question. In looking at the plans
42 that were submitted there is one of the plans that shows stacking and
43 I think it shows thirteen cars which is consistent with Ms. Dolan's
44 testimony. You're not going to wait until it gets to thirteen cars
45 where the next car is going to be in the driveway ramp onto Route 9?

46
47 MR. ZAMFOTIS: No.

48

1 MS. BEAHM: Alright so what would be?
2

3 MR. ZAMFOTIS: It would likely be more like eight or nine
4 cars where we don't want to get like I said in my testimony I don't
5 want to be anywhere near Route 9 so if for whatever reason there is an
6 extensive queue or something is holding up that line that would be an
7 immediate trigger point to be getting out there. We tend to be moving
8 cars quicker and again nice problem to be having two hundred visits
9 per hour. We're not currently there quite yet, but with the amount of
10 business that we are seeing its substantial enough for us. We're able
11 to manage it pretty efficiently. There are hours where you might see
12 more than the sixty, seventy visits per that hour, but we have things
13 in place to be able to monitor it. Again we have a big screen that'll
14 be right, visible for everybody that's kind of managing inside the
15 store to be able to see it very clearly. It's usually four different
16 cameras so we can see in different points all along the queue and
17 obviously the more critical one being the one towards the backside to
18 see that last, what the ending is. It also uses a screen to kind of
19 have a mockup of our building and it just shows little drawings of
20 cars so we can reference just how many cars are in that queue. You can
21 see physical cameras as well as it mocks it up on a screen to show our
22 building and then how many cars around using little squares so we can
23 just tell physically how many cars are in the queue and also see the
24 actual cars themselves using the camera system.
25

26 MS. MOORE: Obviously training in place so people can know
27 what those triggers are in order to.
28

29 MR. ZAMFOTIS: Yeah we train not only how to manage
30 efficiently normal queuing, but then also what do you do when exigent
31 circumstances where the car stack is too long and what do we do in
32 that circumstance.
33

34 MR. BOCCANFUSO: So just so I'm clear you're referring to it
35 as a trigger. Is it something that needs to be manually monitored by
36 management or staff or does this 5THRU software that you referred to
37 earlier once it recognizes on the security camera that a traffic stack
38 has reached a certain point? Bells and whistles and the little monkey
39 with the cymbal starts going off that everybody knows which is it? Is
40 it something that requires active manual monitoring?
41

42 MR. ZAMFOTIS: It does require monitoring. I believe there
43 are customizations I could do to that software based on the actual
44 location. As we're operating it in our Paramus location we're an end
45 cap on a large building so the stack would have to be enormous before
46 we'd have any kind of issue onto Route 17 up there. So this one being
47 a much more of a free-standing building the stacking obviously would
48 be more critical for us to be managing and also the software would

1 give us the ability to probably give an alert. We would have to work
2 with the company to say, based on the queuing once you hit that eighth
3 car we have some sort of ding, alert, or something to kind of notify,
4 but also we would be making sure that we're monitoring it the entire
5 time for sure. So like a double approach, we're physically or manually
6 monitoring it, but we'd also rely on the system to give us some sort
7 of queue visual and/or audio to let us know that something's going on.

8

9 MR. BOCCANFUSO: I think in this particular site it would be
10 important to have something that's automatic because ---

11

12 MR. ZAMFOTIS: It could happen quick.

13

14 MR. BOCCANFUSO: The human element is never fail safe.
15 Secondly due to the geometry of the site which we've all acknowledged
16 that is a hardship for you, the queue could potentially get out of
17 control quickly. If someone's not looking, somebody goes to the
18 bathroom, they're busy at the counter working on walk-in customers it
19 wouldn't take long three, four, or five cars to stack up and --- your
20 drive thru perhaps impact the state highway which I think is the
21 potential negative impact that Jen spoke about that I think your
22 application is really hinging on here. So I think that the automatic
23 aspect to the software is really important here and I think that's
24 something that it sounds like you've put some thought into it and I'm
25 glad to hear that because otherwise I think if it was just hey we have
26 a camera and we're going to keep an eye on it I would not be nearly as
27 comfortable as that as something that's programmed to kind of be fail
28 safe, not fail safe, but more fail safe.

29

30 MR. ZAMFOTIS: Yeah I mean we wanted to make sure we
31 invested in the technology not only for management perspective, but
32 also just kind of it gives us statistics and also allows us to kind of
33 adjust and make sure that if we're not managing that line as quickly
34 as we'd like at a certain point of the day or then we can also
35 evaluate that from a management perspective. So if we expect folks to
36 be in and out or their wait time to be three and a half minutes or
37 less let's say if certain parts of the day or during the week it's not
38 quite at that time for whatever reason we can track it through the
39 system because it's constantly giving us that data. So that way we're
40 able to make sure we're managing and evaluating our team to meet the
41 standards that we expect.

42

43 MR. BOCCANFUSO: So kind of along the same lines, Ms.
44 Dolan's updated report, I think it was her updated report, perhaps her
45 original as well, I believe it indicated that you felt that you could
46 service forty to fifty drive thru orders in an hour. Does that sound
47 right? Do I have that correct?

48

1 MR. ZAMFOTIS: I said total orders and I said about fifty
2 percent of them are in-house and the other fifty percent come through
3 the drive thru. So it would be at a peak maybe like twenty-five
4 customers in the drive thru and then similar in what we were seeing in
5 the Paramus during the peak time and then other twenty-five are either
6 quick jumping in and out of the store or maybe even parking and
7 staying.

8
9 MR. BOCCANFUSO: Okay I have it right here sixty to seventy
10 ---

11
12 MR. ZAMFOTIS: Well it's really during the peak. Fifty
13 customers not every single hour.

14
15 MR. BOCCANFUSO: Yeah Ms. Dolan's report indicated limited
16 menu sandwich prep time allows for fifty to sixty vehicles to be
17 processed through the drive thru during the busiest hour. Do you think
18 that's perhaps an overestimation?

19
20 MR. ZAMFOTIS: I mean I think that's where we can certainly
21 accommodate that. It's hard to tell until we're here and operating,
22 but I mean we're processing, we've done similar or more in the Paramus
23 location easily. I mean one day that's what we saw, but I mean we're
24 geared up to be able to handle the volume should it come.

25
26 MR. BOCCANFUSO: Understood. Okay well I have a couple other
27 questions for Ms. Dolan. I have some for you as well, they're easier
28 than this one. So we'll perhaps revisit that in a little bit. While
29 you're up here you spoke a little bit earlier about deliveries and if
30 I heard you correctly you said generally one vendor just before the
31 opening early maybe three times per week. You also spoke a little bit
32 about your house-made or fresh, I don't think you said house-made,
33 your fresh-baked baked goods and the coffee that you roast yourself in
34 your facility in Queens. So are those separate deliveries or is that
35 included in your three times per week one vendor just before opening
36 delivery operation?

37
38 MR. ZAMFOTIS: Those are the same. The fresh baked goods we
39 actually get the raw product and then I mean the frozen croissant and
40 then we just bake it off in an electric oven inside the store.

41
42 MR. BOCCANFUSO: Got it.

43
44 MR. ZAMFOTIS: So we've consolidated vendors so we basically
45 some of the product that's prepared at our commissary, other products
46 get delivered into our commissary, and then one truck will come and
47 pick up the product and then cross-dock it with whatever else we're
48 purchasing from this one vendor. So they also have I think they're in

1 Elizabeth, New Jersey where they have paper goods, dairy products,
2 other supplies. So our stores will make one order through one portal
3 that hits that vendor as well as our commissary that order gets
4 populated and then the logistics partner that we use is the single
5 point of delivery that we get to the store. So as of recently it may
6 have been two or three different trucks, but now we've consolidated
7 just to have one vendor that's hitting the stores. It's easier for us
8 operationally and its also less trucks and less to deal with at the
9 store level for receiving.

10
11 MR. BOCCANFUSO: So very detailed answer. I think if I heard
12 you right its basically the one truck that consolidates all of the
13 deliveries. Is that correct?

14
15 MR. ZAMFOTIS: Yeah I'll try, just one. I'll keep it simple.

16
17 MR. BOCCANFUSO: No worries.

18
19 MS. BEAHM: Yes.

20
21 MR. BOCCANFUSO: It's interesting I just think for the
22 board's information its important to understand you said, one truck
23 roughly three times per week. Is that plus coffee, plus baked goods?

24
25 MR. ZAMFOTIS: Yeah its everything.

26
27 MR. BOCCANFUSO: No that's everything.

28
29 MR. ZAMFOTIS: Everything yes sir.

30
31 MR. BOCCANFUSO: Great. Now sticking with deliveries I had
32 the opportunity to review your website a little bit. It looks like the
33 vast majority of your sites do offer delivery so business to customer
34 deliveries not the deliveries you're receiving I recognize that most
35 of those are in the city so deliveries are easy on a bike. However in
36 this case you would probably need a delivery driver and do you
37 anticipate having deliveries at this site?

38
39 MR. ZAMFOTIS: So we don't self deliver. Those are all the
40 third-party.

41
42 MS. BEAHM: Door Dash.

43
44 MR. ZAMFOTIS: The Door Dash, the Uber Eats. For us, as
45 compared to most traditional food operators where the delivery can be
46 a significant portion of their business, its just --- People are much
47 more comfortable ordering salads or hamburgers or meals like that via
48 delivery. Coffee while its gotten more since Covid to be honest its

1 still nowhere near where it is for my food counterparts. So when I
2 speak to other folks I know in the fast, casual space delivery may be
3 forty to fifty percent of their receipts for us. It's more like five
4 to ten percent so its not a real material amount of what we do so even
5 though I know it could become problematic if there's a dozen Door Dash
6 guys show up at the same time where do they park and how do they
7 access it, we're getting maybe a dozen orders a day. We haven't seen
8 it become a real issue for us as far as where do they go or where do
9 they park. Its for whatever reason people still want their coffee
10 relatively hot and they prefer to not have it delivered.

11
12 MR. BOCCANFUSO: Understood. I thought I had one more
13 question for you now it's escaping me. Oh I remember. You stated your
14 anticipated hours of operation are 6:00AM to 8:00PM. I believe our
15 ordinance only permits 7:00AM to 8:00PM so I'm not sure from a
16 planning standpoint whether that would be another variance or that's
17 something that would be subsumed into the grant of the D.

18
19 MS. DEFALCO: Nothing between the hours of 11:00PM and
20 6:00AM.

21
22 MR. BOCCANFUSO: Never mind I was incorrect, my apologies. I
23 think that's all I have for you for now.

24
25 MR. ZAMFOTIS: Okay.

26
27 MR. BOCCANFUSO: Mr. Chairman I think probably best way
28 forward would be to bring Ms. Dolan back.

29
30 MR. LEVITON: Let's have her back. Thank you Mr. Zamfotis.
31 Welcome back Ms. Dolan.

32
33 MS. DOLAN: Thank you.

34
35 MR. BOCCANFUSO: Welcome back.

36
37 MS. DOLAN: Thanks.

38
39 MR. BOCCANFUSO: There was one other variance that I'm not
40 sure if it was addressed specifically. It pertains to parking space
41 dimensions. Township requires ten by twenty, nine by eighteen are
42 proposed. Was there any testimony on that?

43
44 MS. DOLAN: I did work that into my direct testimony.

45
46 MR. BOCCANFUSO: You did, okay.

47
48 MR. MARMERO: The engineer touched on ---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MR. BOCCANFUSO: Sorry I must've taken notes and missed it. Okay you heard Mr. Zamfotis' testimony about the Door Dash and deliveries?

MS. DOLAN: Yeah.

MR. BOCCANFUSO: Does that impact in any way your analysis of the site whether it be parking, circulation, or function of the drive thru facility?

MS. DOLAN: I think that the fact that we have these services is helping to reduce some of the demands particularly the parking demands because they're coming in and quickly picking up and then leaving. So while you may have some customers that come in and stay for a while maybe you want to work. As was discussed earlier that Door Dash-type of stuff is pretty high turnover and as we spoke earlier about the parking supply I think we've got a very generous supply here that's more than most coffee places have. So I would think that we have more parking than needed to accommodate those types of services.

MR. BOCCANFUSO: Okay and I don't take any exception to that. I mean with the five to ten percent he referenced I don't think there's any.

MS. DOLAN: Yeah.

MR. BOCCANFUSO: Any real issues there. You spoke a little bit about the threshold that would require you to get a D.O.T. permit and that you're eligible for a letter of no interest and I would agree you probably are. You've agreed to provide that as a condition of approval.

MS. DOLAN: Yeah.

MR. BOCCANFUSO: I'm fine with that. The question I have is we have a site here that has frontage on two roadways.

MS. DOLAN: Right.

MR. BOCCANFUSO: And part of your analysis of the Starbucks included kind of a distribution analysis. I don't know if you spoke about that on your direct testimony and I'd like you to kind of expand on that a little bit. First of all was any credit taken as far as it pertains to the D.O.T. access permit? How will it impact both roadways and how if at all will it impact the queuing analysis because the

1 Paramus site that was analyzed doesn't have this condition. It just
2 has the single frontage on Route 17.

3

4 MS. DOLAN: Right.

5

6 MR. BOCCANFUSO: So if you could just kind of talk a little
7 bit about the impact of the multiple frontages and multiple points of
8 --- and how that.

9

10 MS. DOLAN: Sure and I meant to get to that earlier because
11 we did count the Starbucks just down the road from this subject
12 property and I remember at the TRC we talked about my original
13 analysis using about thirty-five percent on Franklin Lane and we
14 agreed that that was too high. But it was actually thirty-two percent
15 of the Starbucks traffic used Franklin, sixty-eight percent used Route
16 9. From my perspective this site layout I think its very comfortable
17 because it has multiple curb cuts, full circulation, the bypass lane
18 and so again the queuing issue I know is a concern, but often times
19 what we've seen is that when queues start to develop at drive thru
20 facilities people prefer to park and walk in because nobody wants to
21 sit in a long line despite how more efficient drive-thru's have
22 become.

23

24 MR. BOCCANFUSO: To be clear the trip generation when you
25 compared the Lukoil to the proposed coffee shop you assumed that all
26 your trips were going to Route 9. Is that correct?

27

28 MS. DOLAN: So when we reduced the size of the building and
29 if you look at table one on my September 26th letter. The trip
30 generation came down so the total increase not accounting for which
31 frontage, it maxes out at plus sixty-five. So we didn't have to take
32 the credit that we originally needed to beat that letter of no
33 interest issue. It's because in table one we show plus sixty-five for
34 the morning, negative thirty-two, and plus thirty so regardless of
35 which frontage the traffic uses there's no significant increase in
36 traffic. We don't hit that plus one hundred that we then need to
37 spread out on Franklin Lane.

38

39 MR. BOCCANFUSO: So plus sixty-five is a very conservative
40 analysis based upon the sixty-eight, thirty-two that you're seeing at
41 Starbucks?

42

43 MS. DOLAN: Yes.

44

45 MR. BOCCANFUSO: Great. With regard to the Starbucks and we
46 did discuss it at the TRC and I was pleased to see that you did
47 perform some analysis there. However the one thing I didn't see in
48 your report which we kind of had hoped to see was a more detailed

1 analysis of how that drive thru facility is functioning. Did you take
2 a look at that when you looked at the Starbucks and if so what did you
3 find because I can tell you that I have personally seen issues at that
4 drive thru just driving by. I certainly have not performed a traffic
5 study there nor am I there everyday, but I am in town a lot and I have
6 seen issues there. I'm sure that the board members probably have as
7 well. So what if anything did you observe as it pertains to the drive
8 thru?
9

10 MS. DOLAN: Well we did not do specific queue studies there,
11 but I know from other Starbucks locations their processing time is a
12 lot longer than many other fast food chains and I can tell you from
13 personal experience a few weeks ago my daughter and I were in the car.
14 We got into the drive thru at Starbucks and it didn't move so we
15 parked and we went in. I think that this is a little bit different
16 operation. I think that Starbucks has a lot of offer and a lot of prep
17 time making individual lattes and so forth. So while we did not
18 specific study the Manalapan activity I can tell you that from
19 experience with other Starbucks, yes their processing time is longer
20 and one other point that I wanted to make was that and I didn't get
21 this into my testimony was that when we did study the Gregory's up in
22 Paramus the max queue in the drive thru was eight vehicles.
23

24 MR. BOCCANFUSO: Understood so you think the issues that
25 occur at the Starbucks near this site as well as Starbucks in general
26 are more a function of their slow service times than ---
27

28 MS. DOLAN: Their food offerings and specially-made coffees
29 by baristas definitely takes longer time to prepare those orders.
30

31 MR. BOCCANFUSO: Understood.
32

33 MR. LEVITON: Brian I want to build on that for a minute.
34

35 MR. BOCCANFUSO: Of course. I mean listen I think that the
36 drive thru issue is really the main crux of the application here so by
37 all means Mr. Chairman.
38

39 MR. LEVITON: Thank you Brian. Ms. Dolan you testified that
40 you used the Paramus site to be analogous to what would go on here and
41 I think you said that thirty-two cars per hour at that location?
42

43 MS. DOLAN: Thirty-two in and thirty-three out or yeah that
44 was the busiest hour that we isolated at that location.
45

46 MR. LEVITON: And I think that Mr. Zamfotis testified twice
47 that there were between forty and fifty per hour. That's a discrepancy
48 I'd like you to reconcile.

1
2 MS. DOLAN: Yeah well I think that there was a
3 misunderstanding on my part because on page three of my letter I had
4 sixty to seventy percent of the morning activity using the drive thru,
5 but the testimony from the applicant tonight was that its about fifty,
6 fifty. So fifty are coming into the building and fifty are using the
7 drive thru and I also said fifty to sixty vehicles to be processed and
8 I believe the corrected testimony or the questioning from the
9 applicant was that its about half of that.

10
11 MS. MOORE: If I can just clarify I believe the testimony
12 and what I have been hearing indicated that it was forty-two per hour
13 includes in-store and the drive thru so that was a clarification on
14 the fifty.

15
16 MR. LEVITON: He said that and he additionally said a third
17 of the drive thru customers utilize the app and I don't want to put
18 words in his mouth, Mr. Zamfotis correct?

19
20 MR. ZAMFOTIS: A third of all customers.

21
22 MR. LEVITON: A third of all customers, okay. So then your
23 traffic study at Paramus was solely focused on drive thru customers
24 exclusively.

25
26 MS. DOLAN: No we counted everything that was generated
27 there and the peak hour there was 7:15 to 8:15 with a total of sixty-
28 five vehicles that was thirty-three entering, thirty-two exiting. The
29 maximum queue at the drive thru was eight. We had continuously
30 observed the drive thru and the queue at the drive thru ranged from
31 one to eight and the maximum parking demand there was eight. So that
32 was the total activity collected at the Paramus site.

33
34 MR. LEVITON: And Mr. Boccanfuso indicated that at a TRC he
35 discussed with you perhaps taking a look at what's going on down the
36 street at our Starbucks and he said that he would've liked to have
37 seen that, but I thought I remembered you testifying that you looked
38 and you saw 198 trips.

39
40 MS. DOLAN: Yes that was my misunderstanding from the TRC,
41 but the ---

42
43 MR. LEVITON: I'd like just some clarification.

44
45 MS. BEAHM: Yeah I think the difference is that we I think
46 Brian asked to evaluate the queue.

47
48 MR. LEVITON: Yes.

1
2 MS. BEAHM: And she looked at the vehicle trips. It's not
3 how long people are where the cars are located, its how many cars are
4 in and out and Ms. Dolan when you say in and out you're talking about
5 activity at the drive way right? You're not just talking about at the
6 ---

7
8 MS. DOLAN: At the drive thru.

9
10 MS. BEAHM: However many cars are pulling in and however
11 many cars are pulling out.

12
13 MS. DOLAN: That's correct.

14
15 MR. LEVITON: Thank you for that clarification.

16
17 MS. BEAHM: Can I just ask a question?

18
19 MR. LEVITON: I still have one more then I'm going to come
20 to you because now I have understand it.

21
22 MS. BEAHM: Okay.

23
24 MR. LEVITON: There's three times more traffic as it were at
25 the Starbucks then you anticipate.

26
27 MS. DOLAN: Right.

28
29 MR. LEVITON: Mr. Zamfotis' business increases as he hopes
30 that it will, do you see the stacking or the queuing or anything
31 related to parking circulation or function being diminished by the
32 limited number of cars that can be stacked before they queue up on
33 Route 9?

34
35 MS. DOLAN: Well again the other point to make is that
36 there's only one queuing lane at most of these older Starbucks and
37 Dunkins and now the trend is to have two. So we've got the two. We've
38 got the bypass. We've got more parking than we need and so I would
39 think that if his business is more successful that the site will
40 function acceptably because I believe its a well-designed site with
41 ample parking and a double drive thru and that bypass.

42
43 MR. LEVITON: Thank you Jennifer and thank you Ms. Dolan.

44
45 MS. DOLAN: You're welcome.

46
47 MS. BEAHM: I just have one question. So when you're
48 evaluating the Gregory's in Paramus and we did kind of look into this,

1 but I think the testimony was its an end cap on a bigger building
2 where there's other businesses.

3
4 MS. DOLAN: Yeah.

5
6 MS. BEAHM: How did you differentiate when you did your
7 traffic analysis for Gregorys in Paramus that the cars were coming to
8 this facility versus the balance of the businesses in the strip
9 center?

10
11 MS. DOLAN: Most of the businesses in the strip center were
12 closed. They weren't opening until 9:30 and I wasn't the engineer that
13 was there. I had an engineer sit there and monitor all the activity
14 that went into and out of the Gregorys, but it was somewhat easier
15 because those other stores were closed.

16
17 MS. BEAHM: Thank you so it was a manual count. You didn't
18 have a count system?

19
20 MS. DOLAN: No.

21
22 MS. BEAHM: Thank you.

23
24 MR. BOCCANFUSO: Mr. Chairman I would just point out to your
25 question about if the application were approved, the facility built,
26 the business opens and its wildly successful Ms. Dolan's analysis of
27 the Paramus site showed a maximum queue of eight vehicles. The site
28 plan shows thirteen vehicles queued on this site. I would say thirteen
29 might be a bit of a stretch they're a little congested at just past
30 the ordering position, but they could fit twelve or eleven. Even if
31 there were a fifty percent increase.

32
33 MR. LEVITON: Yes.

34
35 MR. BOCCANFUSO: What's there if we apply the numbers
36 linearly there should be enough to allow for some expansion of
37 business.

38
39 MR. LEVITON: I appreciate that analysis, but let me ask you
40 about what it is that you're looking at that has the queuing showing
41 thirteen because I believe I've seen it and it wraps around the front
42 and my concern is that when folks come off of Route 9 North on the
43 south entrance if you will.

44
45 MS. BEAHM: Sheet nine of the site plans that we got.

46
47 MR. LEVITON: Okay.

48

1 MS. BEAHM: And they're not wrapped around the front.

2
3 MR. LEVITON: Well I don't know if I'm calling it the front,
4 but they're wrapped around the building.

5
6 MS. BEAHM: They're not wrapped around the building.

7
8 MR. LEVITON: Did I see anything with them wrapped around
9 the building?

10
11 MS. BEAHM: There's two drive thru lanes.

12
13 MR. LEVITON: Yeah I couldn't find it here today. I think I
14 saw a rendering.

15
16 MS. DEFALCO: Page nine.

17
18 MR. BOCCANFUSO: I'm going to beat nine SP10700.

19
20 MR. LEVITON: See I'm looking what Brian's looking at and
21 that's not the one I'm talking about.

22
23 MS. DEFALCO: Page number nine.

24
25 MS. BEAHM: That's the only one that we have queuing.

26
27 MR. BOCCANFUSO: Sheet eight.

28
29 MR. LEVITON: They're going to put it up for us and while
30 that's occurring let me acknowledge on the record that its Janice
31 Moench who's facilitating that even though she's unable to get it
32 right now. She's not responsible, but she's amazing and we appreciate
33 her efforts.

34
35 MR. BOCCANFUSO: Our IT expert slash zoning board secretary.

36
37 MR. LEVITON: Yes.

38
39 MR. BOCCANFUSO: And doesn't think its funny. I know I see
40 that.

41
42 MS. BEAHM: Kathy do you have that sheet on the board?

43
44 MS. HERRING: - - -

45
46 MS. BEAHM: Can you put it up on the board?

47
48 MS. HERRING: Which one is it?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

MS. MOORE: The traffic circulation plan.

MR. BOCCANFUSO: Traffic circulation plan sheet eight of twelve SP-107.00.

MS. DOLAN: It was in the site plan package.

MS. HERRING: So the original one, yes?

MR. BOCCANFUSO: No the revised one probably both. There you go.

MS. DEFALCO: As Vanna White.

MS. HERRING: So they go from the drive thru.

MR. LEVITON: Yes.

MR. BOCCANFUSO: The window.

MS. BEAHM: The window in the back.

MR. LEVITON: Oh I see, I see so much better.

MS. HERRING: Here's Route 9.

MR. LEVITON: Okay, Ms. Herring take a step back. Don't engage them because everything needs to be on the record. I appreciate your help and they did need to see it. I actually needed to see it.

MS. HERRING: It's there.

MR. LEVITON: I saw it and it made a difference to me, but now I just want to have, so many people talking. It's okay Janice you don't have to put it up.

MS. MOENCH: It's going to kill me now.

MR. LEVITON: Nope we're past it anyway.

MS. MOENCH: Okay.

MR. LEVITON: It's on the easel. It's the page on the easel. Okay, it is on the back one for anybody who wants to see it. Okay let me just clarify then with my professionals, Brian and Jennifer, both of you. You're comfortable that even with a wildly successful

1 Gregory's Coffee that stacking issues, circulation issues, and most
2 importantly queuing issues will not wind up on Route 9.

3
4

5 MS. BEAHM: So I will admit I was initially concerned, but I
6 am satisfied that based upon the testimony from the owner and Brian's
7 added comments that it can't just be a visual thing it has to be built
8 into the software that they use that they have fail-safe mechanisms in
9 place to move people along. Obviously he's not going to want the queue
10 out onto Route 9 because if I was driving by and I wanted a cup of
11 coffee and I saw cars on Route 9 I would just keep going. I am
12 satisfied, yes. I don't think its going to add to queuing problems on
13 the highway. I think that they've adequately addressed through their
14 operational testimony.

15
16

MR. LEVITON: And Brian?

17
18

MR. BOCCANFUSO: Mr. Chairman I'll tell you that I am far
19 more comfortable now then I was coming into the meeting tonight. I
20 still can't say with one hundred percent certainty that there will
21 never be vehicles stacked out onto Route 9. There's just no
22 engineering standard that I'm aware of that speaks to how you design a
23 traffic queue. I think that the testimony that the applicant and their
24 team has provided goes a long way. I am as comfortable as I can be,
25 but as a licensed professional and this board's engineer I can't tell
26 you with one hundred percent certainty that its never going to happen.

27
28

MR. LEVITON: The ITE doesn't take into account?

29
30

MR. BOCCANFUSO: It does not and Ms. Dolan did do what we
31 asked her to do at the site in Paramus. She fell just short of what we
32 asked her to do at the Starbucks facility, but I think that what she
33 has done is painted a picture of how these things operate. With that
34 said its a snapshot in time. Yes there were sixty-five vehicles at the
35 site the day she monitored it or her staff monitored it. Yes there
36 were eight vehicles in the drive thru at maximum, but we don't know if
37 there's a busy day for whatever reason. If somebody wants coffee for
38 one particular reason, there's an extraordinarily high level of
39 traffic on a certain day perhaps those numbers could increase just as
40 it could here in the future.

41
42

MR. LEVITON: We appreciate your analysis and we accept the
43 caveat and before we allow you to call any other expert witnesses that
44 testified tonight, let's go to the board and give them a chance to
45 cross-examine Ms. Dolan if it pleases them. We'll start with Dan.

46
47

MR. POCHOPIN: Thank you Mr. Chair. So I had the same
48 concerns as all the professionals and that's the main objective here

1 is the safety of the highway. I do disagree with though that if its
2 crowded and jammed up at the entrance, I don't know if people will go
3 through. If its clogged up there, they might pull in there or they
4 might just sit there if its foul weather they might not get out of
5 their car, but those are my main concerns and I think they're being
6 addressed, but it should be something in the software. I'm an
7 electrical contractor myself just simple things, the old method with
8 the ribbon with the bank, at the gated communities. Instead of the
9 gate going up a strobe light could go on or something, but there's
10 more infrared like your garage doors and stuff. Something simple that
11 you could do that will put us all at ease.

12

13 MS. DOLAN: At ease right.

14

15 MR. POCHOPIN: That's all thank you.

16

17 MR. LEVITON: Thank you Mr. Pochopin, Mr. Mantagas.

18

19 MR. MANTAGAS: Like Dan said my main concern is the traffic
20 and Route 9 people tend to speed. There's many bad motor vehicle
21 accidents --- in town and I've witnessed them. So we would have to
22 avoid stacking up on Route 9 and that's my main concern I could tell
23 you that Mr. Chairman.

24

25 MS. DOLAN: And I think that's the D.O.T.'s main concern too
26 and then as I had said earlier their unwritten rule is they want
27 queuing for fourteen before you get to the driveway and I believe that
28 our engineer also mentioned that there's a variance for the wider
29 entrance on Route 9. I think that may be a benefit here because it
30 allows a bypass of any driver that does want to sit close.

31

32 MR. MANTAGAS: So they could bypass to the right and to the
33 left? They could go into the other side too?

34

35 MS. DOLAN: That's true yes.

36

37 MR. MANTAGAS: Okay.

38

39 MR. LEVITON: Brian or Jennifer they need a letter of no
40 interest from the Department of Transportation and they're going to
41 submit to the Department of Transportation they testified a letter
42 that indicates that from Lukoil to what they're proposing only
43 generates another sixty-five I think about trips per hour which they
44 don't classify as significant. Have I got that right so far?

45

46 MR. BOCCANFUSO: Yes.

47

1 MR. LEVITON: And so does that account for our concerns with
2 stacking at all?

3
4 MS. BEAHM: I mean they're going to evaluate the use and
5 they're going to evaluate the analysis that they've provided with
6 respect to this use versus the old use. If they don't agree they're
7 going to ---

8
9 MS. DOLAN: They won't give us the letter.

10
11 MR. LEVITON: So the Department of Transportation who's
12 going to take another look at it after we're done doesn't like it
13 they're going to nix the whole application anyway. Is that correct?

14
15 MR. BOCCANFUSO: Yes its ultimately their jurisdiction.

16
17 MR. LEVITON: Thank you.

18
19 MR. BOCCANFUSO: And the letter of no interest, they'll get
20 a letter of interest.

21
22 MS. DOLAN: And just to point out I went through a lot of
23 math, but when we make our formal submission to D.O.T. for the letter
24 of no interest we have to provide them with the site plan, with the
25 survey, with other analytical information so its not just the math
26 exercise, they get the plan too to review.

27
28 MR. LEVITON: I hope it goes the way you want, Mr. Shalikaar.

29
30 MR. SHALIKAR: Fantastic testimony I have no questions. I
31 have the same concerns as everyone else granted with traffic, but I
32 think you've done a great job at explaining that.

33
34 MS. DOLAN: Thank you.

35
36 MR. LEVITON: Thank you Joshua, David?

37
38 MR. SCHERTZ: I just want to understand on this undersized
39 piece of property a 1,300 square foot building is it going to be
40 oriented? It's oriented facing west correct, the frontage?

41
42 MS. BEAHM: Facing Route 9.

43
44 MR. SCHERTZ: Which is, okay.

45
46 MS. DOLAN: Facing Route 9 yeah.

47

1 MR. SCHERTZ: But is the building itself going to be more
2 north of the center of the property or south of the center?

3
4 MS. MOORE: That might be more of the architect question if
5 you.

6
7 MR. SCHERTZ: Well whoever.

8
9 MS. BEAHM: I could probably address it. It's looks like its
10 pretty much centered in the site.

11
12 MR. SCHERTZ: Its centered?

13
14 MS. BEAHM: Yeah its right on the plan like its right in the
15 middle. I mean it's pushed closer to Franklin Lane so its off of Route
16 9, but if you're talking north and south it looks like its almost in
17 the middle.

18
19 MR. SCHERTZ: And the two take out lanes?

20
21 MS. BEAHM: Are on the south side.

22
23 MR. SCHERTZ: Are on the south side, on the south side?

24
25 MS. DOLAN: On the Franklin Lane side.

26
27 MS. BEAHM: Kathy can you just point out on that plan
28 please?

29
30 MR. LEVITON: On the left David on the left.

31
32 MR. SCHERTZ: Yeah I see that, but Franklin Lane is on the
33 bottom.

34
35 MR. LEVITON: Yes.

36
37 MS. BEAHM: Route 9's on the top.

38
39 MR. SCHERTZ: Route 9's on the top?

40
41 MR. LEVITON: Yes.

42
43 MR. SCHERTZ: So is that where your finger just was is that
44 south or north?

45
46 MS. BEAHM: That's west.

47
48 MR. LEVITON: West.

1
2 MR. SCHERTZ: No, no I understand that.

3
4 MS. BEAHM: Here let me do this. Now north is truly up.

5
6 MR. SCHERTZ: Flip it around okay.

7
8 MS. DOLAN: So we have northbound Route 9.

9
10 MR. SCHERTZ: And so the takeout lanes are going to snake
11 around the building correct?

12
13 MS. DOLAN: Correct.

14
15 MR. SCHERTZ: And what is the exit going to be?

16
17 MS. DOLAN: So there's three exits. There is ---

18
19 MR. SCHERTZ: Well there's four cuts.

20
21 MS. DOLAN: There's four cuts.

22
23 MR. LEVITON: But only three exits.

24
25 MR. SCHERTZ: One's going to be?

26
27 MS. DOLAN: One is going to be enter only off of Route 9.

28
29 MR. SCHERTZ: Yup.

30
31 MS. DOLAN: Here's the bypass and if anyone I guess changes
32 their mind they can come out this one way exit onto Franklin. The
33 people using the drive thru or also parking through here can exit
34 again off of onto Franklin Lane and then there's the existing exit
35 back onto Route 9.

36
37 MR. SCHERTZ: So they're going to snake, they're going to
38 circle the building basically?

39
40 MS. DOLAN: They could yes.

41
42 MR. SCHERTZ: Okay.

43
44 MS. BEAHM: The window they get their stuff is right where
45 Kathy's finger is right now.

46
47 MS. HERRING: Right.

48

1 MS. BEAHM: So they order on the south side. They traverse
2 the building to the window like most drive-thrus and then they get
3 their merchandise and then they can either exit out onto Franklin Lane
4 or go back out to Route 9.

5
6 MR. SCHERTZ: So there is no passing lane next to the take
7 out correct?

8
9 MS. BEAHM: Well you wouldn't not along the rear of the
10 building, but on the south side of the building if you don't want to
11 wait in the drive thru lane there's that bypass it'll take you right
12 out.

13
14 MR. SCHERTZ: Yeah right out yeah I got that.

15
16 MS. BEAHM: And then if you really want to go back to Route
17 9 you go up Franklin Lane back in and out to Route 9.

18
19 MR. SCHERTZ: But once you're committed to the line, the
20 take out line, you're there and you can't leave it.

21
22 MS. DEFALCO: Well you could get out Franklin.

23
24 MR. SCHERTZ But after you make that turn and you're
25 parallel to Franklin Lane.

26
27 MR. MARMERO: You would have ordered already.

28
29 MS. BEAHM: You already would have ordered.

30
31 MR. SCHERTZ: Where's the ordering?

32
33 MS. DOLAN: The order, excuse me.

34
35 MR. SCHERTZ: Okay.

36
37 MS. DOLAN: Are here.

38
39 MS. MOENCH: It is in front of you on your plans.

40
41 MR. SCHERTZ: Yeah now I understand. I couldn't visualize
42 it.

43
44 MR. LEVITON: Anything else Dave?

45
46 MR. SCHERTZ: No that's it thank you.

47
48 MR. LEVITON: Thank you sir, Mr. Gregowicz.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MR. GREGOWICZ: No questions.

MR. LEVITON: Thank you Bob, Mr. Rosenthal.

MR. ROSENTHAL: Yeah I just had one question for Mr. Zamfotis. Are you going to sell coffee for home preparation in bags like your competitor?

MR. ZAMFOTIS: Yeah we sell. We bag it at our roasting facility, commissary in New York City and we would sell those bags in the store.

MR. ROSENTHAL: And that traffic was in your numbers?

MR. ZAMFOTIS: The folks who are purchasing coffee for home?

MR. ROSENTHAL: Right.

MR. ZAMFOTIS: Yeah.

MR. ROSENTHAL: Okay.

MR. ZAMFOTIS: That tends to be an ancillary purchase. I mean we do get people who just walk in and buy a bag of coffee.

MR. ROSENTHAL: And they'd be a lot quicker than.

MR. ZAMFOTIS: Yeah.

MR. ROSENTHAL: People that are ordering coffee.

MR. ZAMFOTIS: Yeah that's just shopping at a grocery store that they just grab it and there's nothing for us to prepare. They're just able to take it home, but yeah it's also not a material part. We do sell coffee, but its less than five percent of overall sales.

MR. ROSENTHAL: Okay. If I said anything else just - - - to myself.

MR. LEVITON: I'm familiar with that concept. Okay Brian anything you want to ask, any other?

MS. BEAHM: No.

MR. BOCCANFUSO: No.

MS. BEAHM: I have no more questions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MR. BOCCANFUSO: No Mr. Chairman just one thing I will offer. Kathy and I as we alluded to earlier had a tele meeting earlier in the week. We went through a number of the technical items in my report. Aside from the items that we addressed specifically tonight she's agreed that she can address any of those and all of those as a condition of approval if granted so nothing further for any of the witnesses.

MR. LEVIRTON: Thank you Mr. Boccanfuso and Ms. Herring. Alright then at this time I'm going to go out to the public and ask if there's anyone in attendance who would like to come up and either ask a question of one of the experts who testified this evening or address the board. Now would be the time, welcome sir. Take the microphone and our board attorney Mr. Marmero will swear you in.

MR. ENGEL: Hi.

MR. MARMERO: You'll raise your right hand sir. I'll get you sworn in. Do you swear that the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. ENGEL: I do sir.

MR. MARMERO: Okay and could you state your name and address for the record please sir?

MR. ENGEL: My name is Robert J. Engel. Engel is spelled E-N-G-E-L. Office address 46 Main Street Millburn, New Jersey 07041. Home address 4 Gallo Way Edison, New Jersey 08820. My reason for attending tonight is I am the property manager of the building to the south of the application, Bagel World shopping center. I've managed that building for nearly twenty-five years for two different owners. The main purpose of me being here tonight is to be informed about the application and to comment about the fence on the south of the property line, the south property line. It was in disrepair. It was a wooden stockade fence, six foot and full disclosure I requested that the owner, I contacted the owner in New York, Mr. Nygree, and asked him to take down the fence and he quite graciously did take down the fence both the north and south property line fences. The engineer several times has said that the fence exists. The fence doesn't exist. The fence poles exist and in our conversation with Mr. Nygree I believe he said that the fence posts were left up so that temporary fencing during construction, if there's construction, temporary fencing would be put on that. That made sense to me, but I would like to ask that the applicant put up a six-foot fence. I'll ask for the south property line like a six-foot, white vinyl fence to replace what has been there for many years, but it's less maintenance for him, the

1 applicant. That's number one. If the applicant was willing to do that
2 I'd like to see it in the resolution because I think it's important.

3
4
5

6 MR. LEVITON: Mr. Engel can you tell us why you need
7 fencing on the south side between your property, the property you
8 manage, and the applicant's property?

9

10 MR. ENGEL: Can I tell you why?

11

12 MR. LEVITON: Yeah.

13

14 MR. ENGEL: That was my understanding. It prevents any
15 litter from going north and south. I'm not blaming him for litter. I'm
16 not blaming me for litter, but these types of places create a lot of
17 litter and we asked for it to be taken down because it was in
18 disrepair. We're asking to have it up, to be re-installed.

19

20 MR. LEVITON: So you reached out to Mr. Nygree who's a
21 representative for?

22

23 MS. MOORE: Mr. Nygree is the owner or the member of the
24 LLC of the applicant.

25

26 MR. LEVITON: He's a member of the LLC, okay and you asked
27 him to take it down and he did. Did you tell him at that time that you
28 were going to request that he rebuild one?

29

30 MR. ENGEL: I don't recall that. I don't recall if I did. I
31 may have asked, but I'm not sure. I'm under oath. I'm going to tell
32 the truth. I'd like to request it this evening though.

33

34 MR. LEVITON: So Mr. Nygree's not here, why don't we ask
35 Mr. Zamfotis.

36

37 MS. MOORE: He's here.

38

39 MR. LEVITON: Hello Mr. Nygree I see.

40

41 MS. MOORE: I have not evaluated the fence height. He has
42 no objection to putting that fence as long we're not seeking any
43 deviation.

44

45 MS. BEAHM: Well you would need a variance, right because
46 which I don't have a problem with because I do understand the need for
47 the fence and I do think a white vinyl fence would be a nice
48 separation between the properties. It just because you have two fronts

1 and we don't allow six-foot solid fences in the front yard they would
2 need relief which I think would probably be characterized under your
3 any and all on your notice. Just so long as the fence Kathy does not
4 impede the sight triangle at those driveways. So its not going to go
5 to Route 9 and to Franklin because that would probably create a
6 dangerous situation from a traffic situation, but once you're outside
7 that sight triangle I don't take exception to the fence being replaced
8 along that property line.

9
10 MR. LEVITON: You understand Mr. Engel that she's talking
11 about? It's not going to go end to end, but almost so that it doesn't
12 impede vision from the road.

13
14 MR. ENGEL: I'm getting older, but if my memory serves me
15 correct I don't think it went property line, front to back.

16
17 MR. LEVITON: You're going to be very satisfied. The
18 applicant has agreed to do it.

19
20 MR. ENGEL: Like a white vinyl, six foot?

21
22 MR. LEVITON: Yeah that's what they said yes.

23
24 MR. ROSENTHAL: More than six feet?

25
26 MR. LEVITON: It doesn't matter.

27
28 MR. ENGEL: Mr. Chairman can that be put in the resolution?

29
30 MR. LEVITON: Mr. Marmero is including it.

31
32 MR. MARMERO: so if it's approved it would be one of the
33 conditions.

34
35 MR. ENGEL: I'd like to thank the professionals and the
36 chairman for that. Now can I make other comments?

37
38 MR. LEVITON: Yes sir.

39
40 MR. ENGEL: As I said I manage the building foe twenty-five
41 years and it's typical we have residential neighbors behind us, some
42 are here. I don't live there. I don't live there. The residential
43 neighbors do live there and I appreciate your comments about a buffer.
44 I concur one hundred percent. Garbage collection over the years was a
45 problem. Garbage guys they start at 4:00AM. That was creating a lot of
46 problems for Mr. Harrington who I am here with tonight and formerly
47 Ms. Dorothy Peterson and currently Mr. Mohammad Ali, the current
48 resident. It's two houses directly behind the shopping center and

1 probably the closest houses to this application. What we did is we
2 worked with the neighbors to, after a certain hour and that seemed to
3 work okay, but Mr. Harrington will discuss that I'm sure.

4
5
6 MR. LEVITON: Well Mr. Zamfotis testified that the garbage
7 collection will occur after the business closes.

8
9 MR. ENGEL: And that is what time?

10
11 MR. LEVITON: --- looking for?

12
13 MR. ENGEL: 8:00? No I'm just asking on behalf of the
14 residential neighbors because.

15
16 MR. LEVITON Yeah his business closes at 8:00.

17
18 MR. ENGEL: And the garbage collection will be at 8:00 at
19 night?

20
21 MR. LEVITON: He didn't say that.

22
23 MR. ENGEL: Oh.

24
25 MR. LEVITON: He said after the business closes and it
26 would be privately contracted. He testified to.

27
28 MR. ENGEL: Right, but in reality you don't have garbage
29 trucks at night because they can't dump.

30
31 MR. LEVITON: Well that's what he testified to. We take him
32 at his word sir. You'd like to ask?

33
34 MR. ENGEL: Who testified to that?

35
36 MR. LEVITON: One of the principals.

37
38 MR. ENGEL: Can somebody just clarify what?

39
40 MR. LEVITON: Ms. Moore could you?

41
42 MS. MOORE: So the owner Mr. Zamfotis did testify with
43 respect to the amount of times for garbage was six times per week. So
44 Gregory just clarify the I don't believe you stated the hour?

45
46 MR. LEVITON: Mr. Zamfotis if you would just clarify that.
47

1 MR. ZAMFOTIS: When I said after we close I made maybe too
2 broadly speaking was after non-business hours. I haven't personally
3 communicated with the local carters here, just based on what I've done
4 at every other location that we have. Whatever we would need to do to
5 comply with the neighbors to make it work we would do it early, but
6 over time during the off-business hours that the carters are able to
7 do, the local carters. Whatever works, still we would want to do the
8 exact same thing to comply and make it work for the local residents.

9
10 MS. BEAHM: What time does the garbage come to your site
11 and get collected?

12
13 MR. ENGEL: That's why I was grabbing the mic.

14
15 MS. BEAHM: Yeah.

16
17 MR. ENGEL: Thank you for that. To answer your question
18 about 10:00 which causes other problems. Right, 10:00AM which causes
19 other problems because there's deliveries and then the garbage gets
20 missed and then I got to get the garbage guy.

21
22 MS. BEAHM: Right.

23
24 MR. ENGEL: Back so that causes a problem. I think its
25 easier managed at a strip center than a place that sells takeout
26 coffee and lists 6:00 to 10:00 as peak hours, or 7:00 to 10:00 I think
27 he said. I'm just cautioning because I'm not making the complaint
28 here. I'm just trying to avoid residential neighbors.

29
30 MS. BEAHM: So what I would suggest is that it's going to
31 be taken by private hauler correct?

32
33 MS. MOORE: That is correct yes.

34
35 MS. BEAHM: So to the best of your abilities to prevent it
36 from being collected at 4:00AM which I agree is obnoxious that maybe
37 you can come up with a way. You close at 8:00 maybe it could be done
38 after business is over at night so as not to because the issue is they
39 bang the dumpsters right and then the dumpster goes down and then
40 there's the beeping and the backup whatever. So I get the concern, but
41 can you just put on the record that you will work with your private
42 hauler to the best of your ability we can't control everything to
43 minimize that impact to the neighbors to the best of your ability?

44
45
46 MS. MOORE: We have no objection to that stipulation. Again
47 he hasn't retained that, but yes as far as the best efforts so its
48 not.

1
2 MR. LEVITON: Thank you Ms. Moore.

3
4 MS. MOORE: ---

5
6 MR. LEVITON: Thank you for the recommendation Mr. Engel.

7
8 MR. ENGEL: Again I thank you and I think the board concern
9 about the queue is very important. Everybody's worried about Route 9,
10 that's true, but specifically buses. Buses queue up in the same lane
11 where cars would be queuing up.

12
13 MR. LEVITON: Ms. Dolan I'll let you field that.

14
15 MS. DOLAN: I'm sorry to field that yes.

16
17 MR. ENGEL: In other words you're not just putting a car
18 out on Route 9, you're stopping a bus on Route 9 that's parked and
19 then starts to merge back into the traffic.

20
21 MS. DOLAN: Right and so.

22
23 MR. ENGEL: And that would severely hamper our exit. If
24 there's any queuing on Route 9 I figured out we got about two cars of
25 queue between your entrance and our exit before we start to get
26 blocked up.

27
28 MS. BEAHM: I think the testimony was they will not have
29 cars queuing onto Route 9. They're not even going to have cars on
30 their apron.

31
32 MR. ENGEL: Good.

33
34 MS. BEAHM: That was the testimony. So it should have no
35 impact on your entrance.

36
37 MR. ENGEL: I'm glad.

38
39 MS. DEFALCO: You have the bus stop at your entrance.

40
41 MR. LEVITON: His second entrance.

42
43 MS. DEFALCO: Well his first entrance ---

44
45 MR. ENGEL: I have a bus stop just south of my only exit
46 onto Route 9.

47

1 MS. BEAHM: Correct so they have enough testified that
2 there will have these provisions in place once they hit eight cars or
3 whatever they're going to have employees out there with iPads to move
4 them along and the testimony, and I don't mean to speak for you Ms.
5 Dolan, but I think the testimony that was provided to us that you do
6 not envision queuing of vehicles out onto Route 9.

7
8 MS. DOLAN: Correct.

9
10 MR. LEVITON: So Mr. Engel it's a wonderful concern. I'm
11 satisfied based on what my professionals tell me that there will not
12 be queuing on Route 9. They cannot guarantee it a hundred percent, but
13 to my satisfaction it's no longer an issue, but the bus now just
14 becomes one Ms. Dolan. The bus stops there and to me it may become an
15 issue when folks want to enter into Gregory's Coffee. I'd like you to
16 talk about that. Have you considered it?

17
18 MS. DOLAN: I actually have not considered it and I think
19 it's a valid concern. When the bus stops then there's blockage of the
20 shoulder and blockage of the driveway so it's a possibility.

21
22 MR. LEVITON: It's a problem. Jennifer any thoughts on
23 that?

24
25 MS. BEAHM: I mean honestly it's a situation that I see
26 running up and down Route 9 for its entirety right and the buses could
27 give a crap about the cars right? They pull over when people get on,
28 when they get off. They just pull out whether cars are coming, whether
29 they're not coming and people just learn to deal with it. So at the
30 end of the day if it becomes problematic somebody may opt not to drive
31 in there that particular day, but overall number one it's not our
32 jurisdiction, it's D.O.T.'s jurisdiction, number two we cannot control
33 every potential scenario. Do you consider that a situation that would
34 create an unsafe ingress and egress or is it just a situational
35 situation? There may be a situation where the bus pulls there, stops
36 for a while would not have any impact whatsoever. It's going to come
37 up occasionally. Do I feel like its going to create a negative impact?
38 No.

39
40 MR. LEVITON: That's good enough for me.

41
42 MR. ENGEL: Thank you all for addressing my concerns and
43 everybody's concerns, thank you so much.

44
45 MR. LEVITON: Is there anyone else that would like to come
46 up and address the board or ask a question of one of the witnesses
47 that entered testimony this evening? Welcome sir, grab the mic. Mr.
48 Marmero will swear you in.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MR. MARMERO: Raise your right hand sir. Do you swear the testimony that you will provide tonight will be the truth, the whole truth and nothing but the truth?

MR. HARRINGTON: I do.

MR. MARMERO: Okay and just like the others could you state your name and address for the record please?

MR. HARRINGTON: John Harrington 1 Willow Grove Way Manalapan, New Jersey 07726.

MR. MARMERO: Okay.

MR. LEVITON: Hi Mr. Harrington.

MR. HARRINGTON: First I want to thank the board just for reviewing the plans. Your questions and answers, the experts awesome job. I just have a couple quick questions I just wanted to ask about real quick. I actually have more now than I did when I came in, but with that being said when the architect did his testimony as far as the height of the building he mentioned I guess about lighting on the building. They're going to be about ten foot tall, is that correct?

MR. LEVITON: I don't recall. Mr. Sedra would you please come back up and grab a microphone?

MS. MOORE: --- lighting but.

MR. LEVITON: He did mention something.

MS. MOORE: Something on top, he mentioned that.

MR. LEVITON: He mentioned something. He mentioned the three different heights and.

MR. HARRINGTON: The building was twenty-three at the top.

MR. LEVITON: Mr. Sedra will take a mic and he'll address your concern. Mr. Sedra why don't you put your stuff on the easel and ask him Mr. Harrington. What do you want to know?

MR. HARRINGTON: I would like to know where your lighting on your lighting plan how tall the lighting plan is?

MR. SEDRA: We haven't done a lighting plan for the exterior of the building, but it should be.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MR. LEVITON: Hold on so everything for the public just so you know everything that is said needs to be transcribed at a later date.

MR. HARRINGTON: Okay.

MR. LEVITON: And his mic wasn't on. He needs to repeat it.

MR. SEDRA: We didn't show a lighting plan as of yet on the exterior of the building, but regarding the parapets, the highest parapet we have twenty-three feet. That's the height.

MR. LEVITON: So Mr. Harrington typically when we approve a final site plan that would include lighting packages, signage, but Ms. Moore has indicated that she is going to come back at a later date for those studies. They're not under our purview this evening.

MS. MOORE: No not for lighting. I indicated to the extent on the signage that there are any deviations on that, but we didn't mention the lighting at all.

MR. LEVITON: So.

MS. MOORE: That would be a condition of any approval.

MR. LEVITON: Then let me clarify that. You're not necessarily coming back only if there are deviations from what exists.

MS. MOORE: Yes.

MR. LEVITON: As it related to signage.

MS. MOORE: That is correct. If we exceed in any number of signs or we need any variances or waivers we understand we have to come back, but no the intent is to comply.

MR. BOCCANFUSO: Mr. Chairman the site's civil plans prepared by Kathy's office did have a lighting plan which included the impact of building mounted lights. Perhaps she can speak to the building mounted lights? Not sure about the height, but at least the illumination. I think what Mr. Harrington's concern that he's getting to is the impact of that lighting on the neighboring ---

MR. HARRINGTON: You hit the nail right on the head.

MR. LEVITON: Ms. Herring.

1
2 MR. BOCCANFUSO: Maybe Ms. Herring could address that
3 she'll be better, Herring.
4

5 MS. MOORE: She did testify to that. That was one of the
6 conditions that the lights would be dimmed so Kathy if you could just
7 mention that.
8

9 MR. HARRINGTON: Well the way we've enjoyed the buildings
10 in the C3 zone is the lighting is always faced their property or where
11 it turned off. So when Wawa went in which is now the pantry the
12 lighting in the back was off in the evening hours to prevent and/or to
13 landscape screen was put so nothing would.
14

15 MR. LEVITON: I've got it so hold on let me go back to Jen.
16 Let me go back to you, you wanted something more interesting on the
17 rear facade on Franklin Lane. Can you put on the record a suggestion
18 of what that might look like that's not lighting that's going to
19 impact on the neighbors?
20

21 MS. BEAHM: Yeah it has nothing to do with lighting. I'm
22 talking some kind of architectural texture or something along that
23 blank facade facing your way so you're not looking at a blank wall.
24 Nothing to do with lighting at all.
25

26 MR. LEVITON: Alright and.
27

28 MS. BEAHM: But I think not to cut you off, but you were
29 about to say that the lights are going to be dimmed.
30

31 MS. MOORE: An hour that was the testimony.
32

33 MS. BEAHM: An hour after closing right?
34

35 MS. MOORE: That is correct.
36

37 MS. BEAHM: Which is at 8:00PM so at 9:00PM they'll be
38 dimmed. Is there any way that that lighting on that side of the
39 building be turned, I get for security purposes in the front where the
40 parking lot is on Route 9.
41

42 MR. HARRINGTON: I'm all about safety.
43

44 MS. BEAHM: It's Route 9 right, but can any lighting in the
45 rear facing Franklin Lane be turned off after closing?
46

47 MS. MOORE: No I just want to make sure that I know we
48 discussed that in the TRC, that was a couple of your comments and the

1 concern was we didn't want obviously a very dark space, but from the
2 nodding of my client's head ---

3
4 MS. BEAHM: I think that maybe some bollard level lighting
5 like low to the ground just for safety purposes.

6
7 MR. HARRINGTON: Yeah absolutely.

8
9 MS. BEAHM: I just don't want the high light poles and any
10 building mounted lighting on that side which would shine onto
11 Franklin.

12
13 MS. MOORE: Onto Franklin.

14
15 MR. HARRINGTON: Yeah I mean ---

16
17 MR. LEVITON: The applicant has conceded to that Mr.
18 Harrington and our attorney has taken it down and it'll be a condition
19 if the board acts favorably.

20
21 MR. HARRINGTON: Okay.

22
23 MR. LEVITON: What else sir?

24
25 MR. HARRINGTON: I'm just going to touch two more things.
26 One would be I guess with the queuing. It's a tough spot okay and we
27 have two queues. I did hear earlier that the pass through I'm going to
28 call it a pass through is something that the township requires, but I
29 heard it from one of the experts I believe. Does that pose any issues
30 with the two driveways from Mr. Engel's property and the proposed
31 Gregor's Coffee Shop with Franklin Lane with north, south and then
32 Willow Grove being in the same intersection so to speak?

33
34 MR. LEVITON: Ms. Dolan? This is the applicant's traffic
35 expert.

36
37 MR. HARRINGTON: Hi Ms. Dolan.

38
39 MS. DOLAN: Hi, thank you.

40
41 MS. MOORE: You want him to repeat it? --- I don't know if
42 you were.

43
44 MS. DOLAN: Yeah and I think I need and I need that.

45
46 MR. LEVITON: He wants to know if they use the bypass onto
47 Franklin Lane is it going to be problematic for the community?

48

1 MS. BEAHM: It's a little offset of his straight
2 intersection.

3
4 MR. HARRINGTON: Yeah the intersection of my street would
5 pretty much go directly into Mr. Engel's which I frequently see people
6 go into.

7
8 MS. DOLAN: Yeah.

9
10 MR. HARRINGTON: The one-way, do not enter.

11
12 MS. DOLAN: I don't see this as being a heavily-used
13 driveway. I think that based on the counts that we talked about
14 earlier that we did down the road, we're expecting a majority of the
15 traffic to enter and exit from Route 9 and this driveway at the bottom
16 of the exhibit is probably the least likely to be used.

17
18 MR. HARRINGTON: Okay I mean I respect that and if that's
19 what you believe then I'm all on it.

20
21 MS. DOLAN: Okay.

22
23 MR. HARRINGTON: Okay.

24
25 MS. DOLAN: Who gets the microphone back?

26
27 MR. LEVITON: We'll see in a minute.

28
29 MR. HARRINGTON: And I just want to find out one more
30 thing. The buffer, that was addressed with Shari. Okay last but not
31 least because you are going from C3 to the D1 or asking for a D1
32 variance the master plan's been re-examined over many, many years and
33 obviously over the years as its been re-examined its never been
34 changed to allow a restaurant on Route 9. So when that master plan was
35 re-examined over the years why all the sudden are we even considering
36 it? Because the boards over the years I'm sure have looked at it and
37 said we don't need a restaurant. We have other things to worry about
38 so I guess I'm trying to question why we're even considering putting a
39 restaurant?

40
41 MR. LEVITON: You're very lucky because Ms. Beahm probably
42 wrote the master plan.

43
44 MS. BEAHM: I did.

45
46 MR. LEVITON: And all of it's revisions.

47

1 MS. BEAHM: What I will say is that in no town in the state
2 of New Jersey can a master plan envision every potential piece of
3 property and every potential user which is why we have this process.
4 So they wouldn't be here if it was permitted. It would be at the
5 planning board and the burden of proof from the applicant would be
6 less. So that's why Mr. Graviano's testimony went through the site
7 suitability and the positive and negative criteria. That's why they
8 have to go through that because it is not permitted. Just because it
9 wasn't put in there doesn't mean that this use at this site isn't
10 appropriate. That's kind of what we're here to vet out. Quite honestly
11 the permitted uses in the zone could be a lot worse than something
12 like this. So it's not always what is in these documents and the
13 master plan is always just a general planning guide. The governing
14 body is the one that does the zoning and what is allowed and not
15 allowed as in the zoning ordinance, but generally that's why this
16 board exists to deal with things that are not allowed and that's why
17 we elicit all this testimony to figure out whether or not it does make
18 sense at this location. In fairness, the site is on Route 9. We're not
19 in the middle of a rural area. I understand it's not permitted, but I
20 also have to say that as you drive up and down Route 9 this is not a
21 use that one would find uncommon. I think ---

22
23 MR. HARRINGTON: And I totally accept that. I just wanted
24 to find out what the background is on it. I think everybody, all the
25 professionals, have done a wonderful job designing and I've taken a
26 lot of things into consideration to make it a better place.

27
28 MR. LEVITON: Thank you Mr. Harrington.

29
30 MR. HARRINGTON: Thank you.

31
32 MR. LEVITON: Is there anyone else in attendance who would
33 like to address the board or ask questions of the applicant? Seeing
34 none I'll close public. Would you like to summate?

35
36 MS. MOORE: Well I'm going to be very brief and thank you
37 again. I want to thank the board, the chair, the professionals for
38 your comments, the public for their concerns, and our professionals
39 and in particular Jennifer and Brian as far as the TRC and your
40 guidance and questions and we've already discussed. Again we're
41 seeking a D1 variance. We have to meet both the positive and negative
42 criteria. We've addressed, our planner indicated the positive criteria
43 and we spent a lot of testimony and comments respect to the negative
44 criteria whether or not there's substantial detriment and I believe
45 the applicant has addressed those comments and met both the positive
46 and negative criteria and in particular the fact that Grgeory, owner,
47 operator of this establishment, and his vision indicated that the
48 major concern tonight is the queuing and Ms. Dolan has outlined the

1 queuing by both visiting the Starbucks as well as the Paramus and the
2 fact that we're willing to address the condition I think the major
3 concern is that there will be mechanisms in place in the case that not
4 only a camera or a human eye, but mechanism in place to alert any
5 substantial detriment or any detriment with respect to the queuing and
6 I would ask that the board grant both the variances and the site plan
7 approval that we're seeking as well as the variances and again thank
8 you for your time.

9

10 MR. LEVITON: Thank you Ms. Moore. Mr. Marmero anything
11 further from you sir?

12

13 MR. MARMERO: Yeah I think at this time after hearing Ms.
14 Moore's closing it's best to kind of sum up the relief that is being
15 sought here. So obviously as Ms. Moore pointed out this is a use
16 variance it's D1 variance that does require five affirmative votes.
17 Sometimes you will take a separate vote for use variance only because
18 that's five votes needed and then take a vote on the other remaining
19 items because they're only necessary if you get the use variance so we
20 can solicit input from Ms. Moore how she would like that to go down.
21 If you are so inclined, but the relief that is being sought is the use
22 variance that we talked about. This is a category three restaurant
23 that's not permitted at this property. I'll try to go through the
24 variances and waivers as best as I can. We do have a variance and a
25 lot of these are existing conditions. We do have a variance for the
26 size of the lot. It is an undersized lot as we heard often tonight. We
27 do have a variance for the lot depth where two hundred feet would be
28 required. They're just over a hundred and twenty feet. We do have a
29 rear yard setback variance, twenty-five feet is required. They're
30 approximately 22.6 feet. We do have a variance for the minimum
31 improvable area also for the minimum improvable diameter. We have an
32 existing condition situation for the maximum driveway radius. They're
33 going to exceed it. We have the variance for the parking spaces. We
34 heard a lot about parking this evening and how our ordinance perhaps
35 provides a situation where we're over parked. It sounds like there was
36 no issue from the professionals, but a variance is needed nonetheless
37 for the number of parking spaces. We would need a waiver for the
38 parking space dimensions. Ten by twenty feet is required whereas the
39 applicant is proposing nine by eighteen feet. A similar waiver for the
40 depth of the handicapped parking stall where twenty feet would be
41 required the applicant is proposing eighteen feet. We have the
42 variance for the front yard setback for parking areas. We have a
43 waiver. There was a discussion of the one tree for every space along
44 the frontage. We heard testimony that the frontage is simply not wide
45 enough to accommodate that requirement. We have the waiver for no
46 foundation plantings along the building frontage, a waiver for no
47 landscaping along drive lanes, a waiver to provide landscaping within
48 the parking lot. That was some of the testimony we heard and I think

1 Ms. Beahm felt that sometimes that's a bit superfluous anyway because
2 it becomes difficult to navigate. We have the buffer where abutting
3 the residential area, we had to look at the definition of abut and
4 then we finally heard with respect to the request for a fence from one
5 of the members of the public. If that becomes a condition of this
6 relief that's granted there would be an additional variance for the
7 six feet in height in that fence and as Ms. Moore I'm sorry?

8
9 MS. BEAHM: Front yard.

10
11 MR. MARMERO: Yes in the front yard and that fence would be
12 on the southern property line as Ms. Moore pointed out they did
13 provide notice that had the catch all provision for any additional
14 bulk variances so even though that wasn't something that was in
15 existence at the time of application their notice would still be
16 sufficient to allow that relief. In terms of conditions that were
17 discussed one of the first ones that was discussed was the
18 architecture along the Franklin facing side of the building. I think
19 the words that Ms. Beahm used were kind of a less blank architecture
20 so it wasn't anything that's set in stone that we want to see, but I
21 think the best way to put it is to have some type of architectural
22 revision on that side of that building that meets the approval of the
23 board's professionals if that makes sense. We also heard a condition
24 that we wouldn't want that architectural future to include any
25 additional lighting because again we are trying to accommodate the
26 residents along Franklin. One of the conditions was that the applicant
27 would work with CME to satisfy some of the comments with respect to
28 the landscape buffer. We did hear that we want to make sure that the
29 sight triangles are added to future plan submissions. Obviously the
30 applicant made it clear that a condition would be that there would be
31 a letter of no interest from NJDOT. We heard a lot of testimony and
32 concerns about queuing monitoring. It sounds like this time the
33 queuing monitoring is done manually, but there was some talk about
34 maybe incorporating some type of automatic system or some type of
35 software provision that has some type of automatic system. Again while
36 nothing was discussed that was set in stone, I think a condition could
37 be that a queuing monitoring plan is submitted that meets the
38 professionals' needs. Does that make sense to you Brian?

39
40 MR. BOCCANFUSO: ---

41
42 MR. MARMERO: Okay.

43
44 MR. LEVITON: And so can we and Mr. Zamfotis testified that
45 he's going to work with the team that provided 5THRU to him to
46 facilitate.

47

1 MR. MARMERO: Yeah and it's tough because that's not really
2 a land use or zoning thing. It's tough to have you guys go out and
3 enforce that so I think if they can come up with some narrative or
4 plan that meets you guys' satisfaction then I think we're where we
5 need to be. We did hear Mr. Engel's request for the six-foot, white
6 vinyl fence along the southern property line and it sounds like the
7 applicant was willing to meet that condition. The applicant agrees to
8 work with a private hauler and to minimize any impacts on the
9 surrounding residential area with respect to that trash pickup and
10 then finally some of the last comments we heard would be a request
11 that the lights along the Franklin side of the building be turned off
12 after closing other than maybe the exception of some ground lighting
13 and I think those are all the conditions that we heard on the record.
14

15 MR. LEVITON: Very well done sir.
16

17 MS. MOORE: I just want to make sure I didn't miss
18 anything. On the variance on the gross floor area did you have that? I
19 know I noticed for that.
20

21 MR. MARMERO: You did notice for it and yeah we talked
22 about the size of the property, but you're right. You are below the
23 minimum gross floor area as well.
24

25 MS. MOORE: Yes and also I just want to clarify on the
26 waiver for the existing driveway. Do we have that as I had it as a
27 waiver not as a variance.
28

29 MR. MARMERO: Yeah. I have W's and V's next to everything
30 and I may have read a W as a V. So yeah I think you're right I think
31 the maximum driveway radius we do have as a waiver.
32

33 MS. MOORE: Alright and I just want to clarify my client
34 just respect to the fence he indicated that he's putting on both the
35 northern and the southern side.
36

37 MR. MARMERO: Okay both on the northern and southern and
38 that would be the six-foot white vinyl on both?
39

40 MS. MOORE: Yes.
41

42 MR. MARMERO: Okay.
43

44 MS. MOORE: And that triggered the variance.
45

46 MR. LEVITON: Thank you Ms. Moore, good catches.
47

48 MS. MOORE: Oh thank you.

1
2 MR. MARMERO: So any motion would be to grant relief of
3 that laundry list of items. Like I said the use variance is a separate
4 vote typically because it requires five affirmative votes and then if
5 the use variance is successful you would move on to grant the other
6 relief that is sought.

7
8 MR. LEVITON: Can't we just elect the bulk relief be
9 subsumed by the ---

10
11 MR. MARMERO: You can.

12
13 MR. LEVITON: Yeah let's do it that way.

14
15 MR. MARMERO: Sure you can do everything all at once.

16
17 MR. LEVITON: So much easier.

18
19 MR. MARMERO: Yeah if you get the five for the use variance
20 then the others going to follow so you can do it in one motion as
21 well.

22
23 MR. LEVITON: It's all triggered by the undersized lot
24 anyway.

25
26 MR. MARMERO: Yup.

27
28 MR. LEVITON: Nancy anything from you further?

29
30 MS. DEFALCO: No thank you.

31
32 MR. LEVITON: Brian, Jennifer?

33
34 MS. BEAHM: No I'm good.

35
36 MR. LEVITON: You're okay Ms. Moore with having us subsume
37 the bulk relief?

38
39 MS. MOORE: I'm fine with that thank you. No I'm fine with
40 that, that is acceptable of the applicant.

41
42 MR. LEVITON: Then with that gentlemen I look to you to
43 make a motion.

44
45 MR. SCHERTZ: Make a motion to accept the application as
46 written with all waivers and variances.

47
48 MR. LEVITON: Thank you David and will someone second that?

1
2 MR. SHALIKAR: I'll second that.

3
4 MR. LEVITON: Thank you Joshua.

5
6 MS. MOENCH: It was Josh?

7
8 MR. LEVITON: Yes.

9
10 MR. SHALIKAR: Yes.

11
12 MR. LEVITON: Josh Shalika.

13
14 **ROLL CALL**

15
16 MS. MOENCH: Mr. Gregowicz?

17
18 MR. GREGOWICZ: Yes.

19
20 MS. MOENCH: Mr. Rosenthal?

21
22 MR. ROSENTHAL: Yes.

23
24 MS. MOENCH: Mr. Schertz?

25
26 MR. SCHERTZ: Yes.

27
28 MS. MOENCH: Mr. Shalika?

29
30 MR. SHALIKAR: Yes.

31
32 MS. MOENCH: Mr. Mantagas?

33
34 MR. MANTAGAS: Yes.

35
36 MS. MOENCH: Mr. Pochopin?

37
38 MR. POCHOPIN: Yes.

39
40 MS. MOENCH: Chair Leviton?

41
42 MR. LEVITON: Mr. Nygree, Mr. Zamfotis much success
43 gentlemen, good luck to you.

44
45 MR. ZAMFOTIS: Thank you.

46
47 MR. LEVITON: You're welcome.

48

1 MS. MOORE: Thank you. Is that a yes?

2
3 MR. LEVITON: That's a yes.

4
5 MR. MARMERO: They did it all with one motion yup. So the
6 use variance, bulks, pre-lim, and final.

7
8 MS. MOORE: I want to thank everyone for your time.

9
10 MR. LEVITON: You're welcome. Thank you Ms. Moore thank
11 you.

12
13 MR. MARMERO: Thank you it's appreciated. Thank you very
14 much, lots of luck. It doesn't become public, but it becomes
15 memorialized. You'll be able to see it. Well it's - your fence is in.
16 It's on the record you can come to the meeting and once its public ---
17 Yeah ---. No not yet. We still got to go to public. We're not done yet
18 guys.

19
20 MR. LEVITON: At this time I'm going to go out to public
21 and ask if there's anyone who wants to address the board for non-
22 agenda items. Seeing none I'll close public. Will someone move to
23 adjourn?

24
25 MR. SCHERTZ: Make a motion to close.

26
27 MR. LEVITON: Thank you David. We are adjourned, thank you.

28
29
30 *****

31
32
33
34