The applicant -- applicant is seeking preliminary and final site plan with variances for the construction of an additional -- additional drive-through lane, various minor site improvements, as well as the remodeling of the existing restaurant.

I want to welcome you.

MR. CALLI: Thank you, Mr. Chairman.

Nice to see everybody on the Board.

For the record, Larry Calli, on behalf of the applicant.

First, I just want to thank the Board for allowing this format. The applicant is very appreciative of it. We see, around the state, a lot of Boards are still not engaging in virtual process. If they do, it’s a -- a quick crash and burn. It’s not going all that well, so we’re very happy that the borough is able to do this for us, for your people, and I speak on behalf of the applicant and for my whole team when I say that. To date, you folks and your back-of-the-office staff have made this seamless to get to this point. So thank you for having us tonight, folks. We appreciate it.

I'll leave the sharing to my colleagues here, Mr. Chairman.

CHAIRMAN SANTORO: Okay.

MR. CALLI: I'd be on a typewriter right now if I had it my way doing the virtual meeting.

MR. HALL: Yeah. The easy way is if you open it to the agenda page then. You can click on the link and share screen and look at anything.

MR. CALLI: And -- and -- and -- and --

MR. HALL: I can't do that either but I could -- I could tell you how to do it.

MR. CALLI: What you folks will see shortly is probably going to be, mostly, colorized renderings of plans you already have on file. These are documents we also did digitally submit and pre-mark as exhibits, and then, you'll see a planning exhibit shortly thereafter when Mr. McDonough testifies last but you will see a number of documents tonight to help illustrate the points we're trying to make and -- and efforts that we are trying to capture here.

So briefly, Mr. Chairman, members, I know you folks know the site. It's the Burger King. It's on 317 Main Street. It's about a half-acre site and it's in the CC zone. About a 3600-square-foot box is there now, relatively outdated. It's the old-style Burger King we've all come to know and love over the years. It needs a little bit of help on the aesthetics and that's what we're here to hopefully do this evening.

A few background things, first is: It's conditionally permitted in the zone so the Burger King use is allowed here. It's the negative criteria that Mr. McDonough will focus on after discussing where we seek minor deviations. The reason we're before the Board of Adjustment is because there are conditional use variances, really, two categories. One's related to the drive-through details and the other -- other is related to the signage. I'll let our experts take you through all of the details and relief on that but, thematically, and I hope you'll appreciate this as we move forward because this was developed program-wide by Burger King and by Carrols and implemented at local levels through the states with a -- a high level of appreciation and respect for the local codes that we find ourselves before.

My practice, being solely in Jersey, I can tell you that I've seen different programs with the same developer because they try and honor the local code. That's where Dynamic Engineering has come into play to strongly help guide this project as well as our

CHAIRMAN SANTORO: Yeah. We're lucky we have Fran Boardman. She's great so...
site architect and what you're going to see, pneumatically, is a betterment of this site. It's improved functionality. It's improved aesthetics. It's a modernization of the look. It's cleaning it up. It's bringing it into 2020. It's bringing it into what this corridor deserves and when you see the elevations, I hope you'll appreciate that. The deviations, subjectively, I agree. I think are nominal. That's just my opinion. Our experts will take you through exactly what they are and I think we can even head it off with discussing what I think may be and should be a bigger ticket item with this Board this evening is the sign package. We all like living in towns where there's not too much signage, where it's not garish, where it's appropriate. We think we've hit that here but we do also realize there's a balance to be struck with the code and there are a number of deviations for signage and we think that we can sort of mitigate those proactively before we even get into the weeds about a discussion as to whether or not certain deviations are essential or not. I'll let our experts take you through where we think we can proactively and affirmatively pair down our package a little bit to make it a little more appreciable and a little bit less deviating from the code that we've got here.

There are a few bulk variances as well. Mr. McDonough will take you through those. Our engineer will shortly note them. You got to remember; this is an existing site we're working with. It's very tough. When we've got blank land to work with, it's much easier. Having had my practice in Morristown for 15 years, there's not much vacant land in our area of Chatham, Morristown, Madison, New Vernon. We are dealing with what we're dealing with on this developed commercial site, so when you look at our notice, when you look at our bulk table on our plans, it looks like we're asking for more than we actually are in a lot of respects. These are all existing conditions. What I hope the Board takes away is: This is nothing but improvement. There's no changes to intensity, operations, still going to be Burger King. It's just going to look a heck of a lot sharper, we hope, if approved, much better than it looks like today so proposed is certainly a better condition than what we've got today and we hope, at the end of the day, the Board members agree with us.

You'll hear from four witnesses, hopefully, all this evening, Mr. Chairman. We think this could be a one-night meeting absent any lingering issues on behalf of the Board or your experts. We'll hear first from our site engineer, R.J. Colucco. He'll testify shortly from Dynamic Engineering. He'll walk the Board through the site, what you've got there today, the limited site changes tomorrow, how it's improving and, generally speaking, what's new. Then, you'll hear from our site architect, Pat Mahoney. Pat's going to take you through the new skin of the building, which looks quite impressive and Pat's going to take you through colored elevations as to what we're proposing with our new materials, our new windows and the like. You'll then hear from Corey Chase, our traffic engineer. I think, with a commercial use, it's always important for a Board to hear traffic and nothing is changing here about the operations but we are improving the drive-through, that second drive-through, and we're going to have Corey take the Board through exactly how that's improving for this site, for the patrons and everybody accessing this property. Lastly, we'll hear from Mr. McDonough. John will testify as a professional planner and John is going to take the Board through the conditional use variances, the bulk variances and reconcile the variances with the Board.

And that should be our presentation to a conclusion, Mr. Chairman. If there are any questions, we're glad to answer them; otherwise, we're glad to get off to the races with our first witness. CHAIRMAN SANTORO: Yeah. Let's -- let's move along.

MR. CALLI: Wonderful.

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

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

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

MR. CALLI: He is.

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

MR. COLUCCO: Right here.

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

ROBERT C. COLUCCO, first having been duly sworn, testified as follows:

15
16
17
18
19
20
21
22
23
24
25

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

MR. COLUCCO: I am.

MR. HALL: Your license is current?
MR. COLUCCO: Yes.

MR. HALL: Joe, I don’t know if you want to...

CHAIRMAN SANTORO: Have you been before this Board before?

MR. COLUCCO: I have not been before this Board before but I have been accepted as an expert in Union County.

CHAIRMAN SANTORO: Okay. We’ll accept him. That’s fine.

MR. CALLI: And he’s wearing a tie, Mr. Chairman. There’s some law on that says I think you’ve got to accept him as an expert so it’s...

MR. HALL: And does he have a sports coat on? I can’t tell.

MR. CALLI: He does.

MR. HALL: Okay.

MR. CALLI: You can’t send him home now.

CHAIRMAN SANTORO: No. Actually, Mr. Calli, you’re the only one without a tie in your crew.

MR. CALLI: There’s always one. Mr. Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?

MR. CALLI: Very good.

DIRECT EXAMINATION BY MR. CALLI:

Q. R.J., you’ve heard my proffer to the Board. You’ve been qualified as an expert. I introduced you as the scribe of the plans from Dynamic. If -- if you would, R.J., please take the Board and -- you know, bearing in mind they know the property through the site as it exists today and then let’s get into the improvements we hope to achieve here with the proposal, if you would?

A. Sure thing.

Good evening, everyone.

As Mr. Calli noted, we’re looking at the subject site located at 317 Main Street, which is New Jersey State Highway 124. We’re Block 5101, Lot 33 for the township tax maps. The site is located within the CC, community commercial zone.

For our first exhibit, I will bring up Exhibit A-1.

(Exhibit A-1, aerial map, was marked for Identification.)

Calli, you’re the only one without a tie in your crew.

CHAIRMAN SANTORO: ...and he’s wearing a tie, Mr. Calli.

MR. CALLI: He’s wearing a tie.

CHAIRMAN SANTORO: Okay.

MR. CALLI: There’s always one. Mr.

CHAIRMAN SANTORO: Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?

MR. CALLI: Very good.

DIRECT EXAMINATION BY MR. CALLI:

Q. R.J., you’ve heard my proffer to the Board. You’ve been qualified as an expert. I introduced you as the scribe of the plans from Dynamic. If -- if you would, R.J., please take the Board and -- you know, bearing in mind they know the property through the site as it exists today and then let’s get into the improvements we hope to achieve here with the proposal, if you would?

A. Sure thing.

Good evening, everyone.

As Mr. Calli noted, we’re looking at the subject site located at 317 Main Street, which is New Jersey State Highway 124. We’re Block 5101, Lot 33 for the township tax maps. The site is located within the CC, community commercial zone.

For our first exhibit, I will bring up Exhibit A-1.

(Exhibit A-1, aerial map, was marked for Identification.)

Calli, you’re the only one without a tie in your crew.

CHAIRMAN SANTORO: ...and he’s wearing a tie, Mr. Calli.

MR. CALLI: He’s wearing a tie.

CHAIRMAN SANTORO: Okay.

MR. CALLI: There’s always one. Mr.

CHAIRMAN SANTORO: Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?

MR. CALLI: Very good.

DIRECT EXAMINATION BY MR. CALLI:

Q. R.J., you’ve heard my proffer to the Board. You’ve been qualified as an expert. I introduced you as the scribe of the plans from Dynamic. If -- if you would, R.J., please take the Board and -- you know, bearing in mind they know the property through the site as it exists today and then let’s get into the improvements we hope to achieve here with the proposal, if you would?

A. Sure thing.

Good evening, everyone.

As Mr. Calli noted, we’re looking at the subject site located at 317 Main Street, which is New Jersey State Highway 124. We’re Block 5101, Lot 33 for the township tax maps. The site is located within the CC, community commercial zone.

For our first exhibit, I will bring up Exhibit A-1.

(Exhibit A-1, aerial map, was marked for Identification.)

Calli, you’re the only one without a tie in your crew.

CHAIRMAN SANTORO: ...and he’s wearing a tie, Mr. Calli.

MR. CALLI: He’s wearing a tie.

CHAIRMAN SANTORO: Okay.

MR. CALLI: There’s always one. Mr.

CHAIRMAN SANTORO: Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?

MR. CALLI: Very good.

DIRECT EXAMINATION BY MR. CALLI:

Q. R.J., you’ve heard my proffer to the Board. You’ve been qualified as an expert. I introduced you as the scribe of the plans from Dynamic. If -- if you would, R.J., please take the Board and -- you know, bearing in mind they know the property through the site as it exists today and then let’s get into the improvements we hope to achieve here with the proposal, if you would?

A. Sure thing.

Good evening, everyone.

As Mr. Calli noted, we’re looking at the subject site located at 317 Main Street, which is New Jersey State Highway 124. We’re Block 5101, Lot 33 for the township tax maps. The site is located within the CC, community commercial zone.

For our first exhibit, I will bring up Exhibit A-1.

(Exhibit A-1, aerial map, was marked for Identification.)

Calli, you’re the only one without a tie in your crew.

CHAIRMAN SANTORO: ...and he’s wearing a tie, Mr. Calli.

MR. CALLI: He’s wearing a tie.

CHAIRMAN SANTORO: Okay.

MR. CALLI: There’s always one. Mr.

CHAIRMAN SANTORO: Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?

MR. CALLI: Very good.

DIRECT EXAMINATION BY MR. CALLI:

Q. R.J., you’ve heard my proffer to the Board. You’ve been qualified as an expert. I introduced you as the scribe of the plans from Dynamic. If -- if you would, R.J., please take the Board and -- you know, bearing in mind they know the property through the site as it exists today and then let’s get into the improvements we hope to achieve here with the proposal, if you would?

A. Sure thing.

Good evening, everyone.

As Mr. Calli noted, we’re looking at the subject site located at 317 Main Street, which is New Jersey State Highway 124. We’re Block 5101, Lot 33 for the township tax maps. The site is located within the CC, community commercial zone.

For our first exhibit, I will bring up Exhibit A-1.

(Exhibit A-1, aerial map, was marked for Identification.)

Calli, you’re the only one without a tie in your crew.

CHAIRMAN SANTORO: ...and he’s wearing a tie, Mr. Calli.

MR. CALLI: He’s wearing a tie.

CHAIRMAN SANTORO: Okay.

MR. CALLI: There’s always one. Mr.

CHAIRMAN SANTORO: Chairman, I don’t get paid by my client if I don’t have a tie on. Come on.

CHAIRMAN SANTORO: Okay. So why don’t we proceed?
part of a larger rollout of company improvements that Burger King is implementing and is focused on providing a betterment for both Carrols and patrons accessing the stores. For our next exhibit, I'll bring up the site plan rendering, which was submitted as A-2 to the Board and this is simply a colorized version -- colorized combined version of the site and the landscape plans that were submitted with the application. The tan-ish-orange color is the building area. The addition of the pay window -- I'll zoom in -- is located in the back corner here. What I will note is: Though we are adding this section of building, we are eliminating an external freezer here, which our architect will get into more detail. As such, we are proposing a reduction in building square footage of 6 square feet so the new footprint size will be 3,595 square feet. CHAIRMAN SANTORO: If I might just add, in the interest of time, if -- if Mr. Russo or Mr. Stern, our planner or engineer, are having questions, jump in as you go if it's -- if you think it saves time. Okay? MR. STERN: Sure. Thank you. FURTHER DIRECT EXAMINATION BY MR. CALLI: A. As part of the building remodel, the applicant is requesting a variance for a front yard setback of 11.4 feet whereas 15 feet is required. This is an improvement of the 11-foot setback that currently exists today and involves removing some of the canopies, which again, our architect can get into more detail to. Access for the lot will remain as it stands today. To answer one of the planner's comments regarding the bypass lane opposite the drive-through window, this 15.8-foot dimension is an improvement over the existing dimensions. Existing is 15.4 feet today, roughly. Western parking area is proposed to be regraded. This is done to bring the site into ADA compliance. As part of the regrading, the applicant is requesting a variance for a side yard parking setback; 5 feet is required and 2 feet is proposed. Note, this is a minor increase of .1 feet compared to what's currently existing today. MR. FOSTER: As part of your -- I just want to jump in with a question, Mr. Colucco. The drawings you are showing us, I think, are not exactly the same as what was submitted. Is that -- have there been any changes? MR. COLUCCO: No, there's no changes. This is just a rendering of the site plan. It's one of the exhibits that was submitted. MR. FOSTER: Okay. Because I'm looking at Sheet 4 from the stuff that was submitted and it doesn't look quite the same. That's why I'm asking. MR. COLUCCO: It doesn't have the landscaping on it. I can bring up Sheet 4 if it's easier for you. MR. FOSTER: That's fine. I just wanted to check. FURTHER DIRECT EXAMINATION BY MR. CALLI: A. As part of the ADA improvements, the applicant is proposing adjustments to the western and northern sidewalks of the building. This includes a new ramp within the front yard. Mr. Stern had a comment as to whether or not this ramp could be removed to provide additional landscaping. We're proposing this ramp to bring ADA-compliant access from the building finished floor to existing grade on the street. We will, however, look to replace a striped area within the parking lot and/or remove a parking space and in order to meet the impervious coverage requirements and eliminate that variance. As part of the remodel, the project is proposing 60 seats. Per ordinance requirements, 1 space per 2.5 seats would result in a total of 24 parking spaces being required; 39 spaces currently exist today. We are proposing to lose two parking spaces. These parking spaces were here previously and they're being removed in order to provide an adequate bypass lane around the dual drive-through. If we do have to lose a parking space to meet the impervious coverage requirements, we will maintain compliance with the parking standards. MR. STERN: And how many seats did you say? MS. BOARDMAN: 60. MR. STERN: Seats? MR. COLUCCO: It's 66. MR. STERN: Thank you. FURTHER DIRECT EXAMINATION BY MR. CALLI: A. As we mentioned earlier in testimony, the existing single-lane drive-through is being proposed to be replaced by a dual drive-through. This is to
accommodate the change in industry customer usage over the past years. Our traffic engineer can provide additional detail on this as part of his testimony but what I will say is: The dual driveway is designed to better accommodate the demands. It provides shorter waiting times and helps to reduce queuing lanes. We will remove the logo and the text from the clearance bar per planner comments but we will leave the height, that stuff.

As part of the dual drive-through, the applicant is seeking a variance for the placement of a transaction window or speaker system within 60 feet of the rear residential property line. That dimension would be 42.2 feet proposed, where the existing nonconformance of 54 feet exists today.

As part of the exterior remodel, the applicant is proposing a new signage package. What is currently shown on the plans is a typical Burger King standard package, but as introduced by Mr. Calli, in an effort to mitigate the relief being requested tonight, we'll be making the following adjustments to the signs:

- We're going to be keeping the existing directional signs as is. We will be eliminating the “Home of the Whopper” sign that was proposed along the front of the store and we will be eliminating the two “Burger King” logo signs that are on either side of the store, the drive-through side and the dining room side.

CHAIRMAN SANTORO: So those are modifications you're putting out there right now?

Mr. Coluccio: Yes.

CHAIRMAN SANTORO: So -- okay. You just keep going. All right? We'll -- we'll double-back and cover the signs in detail but thank you.

Mr. Coluccio: Sure.

A. This will significantly reduce the variance relief being requested by providing a reduction of, approximately, 98 square feet, which is less than half of what was initially proposed.

We will --

Mr. Stern: Could you tell us what signs will remain as well as the accent light band, if that's still to remain that -- that trims the top of the parapet wall along the front and side elevations.

Mr. Coluccio: We are proposing to keep the internally-illuminated “Burger King” logo sign along the front of the building and we are proposing to keep the two digital menu boards for the dual drive-through which will result a requesting a variance for quantity and area for building-mounted signs.

We're proposing to replace the existing freestanding monument sign with a new internally-illuminated sign on the same location, so main change, you add existing 2-foot setback.

We would reduce -- we are reducing the height of that sign. The existing is sign today is 12 feet whereas our proposed sign is 8 feet.

And that existing red-band trim is proposed to remain as shown proposed on the architectural plans but our architect can get into more deal on the red band and it's more of an architectural element to the building, not necessarily a design, in our opinion.

CHAIRMAN SANTORO: Okay. That's good. Yeah. When we get to the -- to that point, I would like to go into a bit of a deep dive in that signage, get a real feel for what it's going to look like. You probably have some exhibitions for that.

Let me ask you about the drive-through aisle. Are both driveway lanes going to be handled the same way? There's nothing unique about them. It's just Lane 1 and 2 but everything else is the same?

Mr. Coluccio: Correct.

CHAIRMAN SANTORO: Okay.
meeting.

CHAIRMAN SANTORO: Just want to make sure it's compliant in terms of lights, spillage and that sort of thing. Okay?

MR. COLUCCO: Okay.

MR. STERN: With the 15-foot light height, you are providing new poles?

MR. COLUCCO: New poles, yes. Maintaining the -- the foundations but new poles.

MR. STERN: Thank you.

MR. RUSSO: The lower -- the lower light height will help address any light spillage over what's currently proposed.

CHAIRMAN SANTORO: Okay. I just want to keep track of this so that's a detail that we'll follow later on?

MR. COLUCCO: Uh-huh.

CHAIRMAN SANTORO: Okay. I just want to keep track of this so that's a detail that we'll follow later on?

MR. COLUCCO: Uh-huh.

CHAIRMAN SANTORO: Okay. Great.

FURTHER DIRECT EXAMINATION BY MR. CALLI:

A. We are proposing to infill the existing landscaping with, approximately, 158 new shrubs and 6 new trees that you can see scattered throughout the site on this rendering, both in the dual drive-through and along the perimeters.

MR. HALL: Is there any place where you're getting rid of paving? I think, earlier, you said you might do that to conform with the coverage limit?

MR. COLUCCO: Yes. We would look -- we would look to remove or replace these striped areas with landscaping so we would bring the curb around and replace it with landscaping.

MR. HALL: Now, can you do that in front of the trash enclosure? I guess they come in from the side?

MR. COLUCCO: They come in through here so we -- we may be able to add it here.

MR. HALL: Okay.

MR. STERN: Can you just repeat that again? Put your cursor on that area that would be converted from pavement to landscaping?

MR. COLUCCO: It will either be here, next to the trash enclosure, and/or this striped area in the front.

MS. KAAR: There is one other striped area where -- is -- is that also included or is that something else?

MR. COLUCCO: No. We're keeping this striped area. That, again, is for bypass around the drive-through.

MS. KAAR: Okay.

FURTHER DIRECT EXAMINATION BY MR. CALLI:

A. Lastly, what I'll touch on is the existing PVC fence will remain. It will be cleaned. It is in general good condition and it provides an added benefit of adding some screening to the residential uses in the rear.

MR. STERN: For clarity, when your survey was done, it depicted the fence location and identified it as a stockade fence. Now, the white PVC fence is in there. Is that white PVC fence now located within -- entirely within the Burger King property?

MR. COLUCCO: No. I believe there may have been just an error in the survey. There's a white PVC fence and it's in the same location.

MR. STERN: Okay. Are you proposing to relocate it within the property or...

MR. COLUCCO: No. It functions, as is, today. There haven't been any complaints to our knowledge. We could relocate it, but by relocating it, we would be moving it closer to the residential property so we feel that it would be better served for all parties to maintain it where it was today.

MR. STERN: Okay.

MR. RUSSO: Mr. Colucco, Comment 15 of my -- my latest report, so the area on the other side of the PVC fence, who maintains that?

MR. COLUCCO: I don't know 100 percent, for certain. I'm assuming it would be the residential property. If, for some reason, Burger King needed to maintain it, the fence could be disassembled and reassembled.

MR. RUSSO: It just -- you know, there's that no man's land back there that no one is claiming or maintaining. You know, something needs to be done, either some sort an agreement with, you know, the rear property owners or Burger King to, you know, affirm that they're going to maintain all of their property.

MR. HALL: Frank, the -- the one directly behind was at the Zoning Board last year. I can't remember the name. It fronts on -- on Kings Road, and actually, what's labeled as a one-story framed dwelling I thought was a garage; we were told.

CHAIRMAN SANTORO: Yeah. That's right.


MR. HALL: And that way --- and one of the conditions, I forgot where that was left, they're going to clean up their yard because the yard was kind of a mess, as I understood it, from Mr. Santoro and we...
did have the guy with that little pointed thing. He fronts on the side street, actually came in on that application and he had some concerns. I don’t know it he’s logged in tonight or not but he says it’s a point of land that’s kind of useless to anybody but he owns it so I don’t know how --

CHAIRMAN SANTORO: Yeah. There was a sliver, the end of a pie, that stuck into the middle of that yard there, middle of the property, and then, there was a couple of dilapidated fences there, and then, the property that Mr. Hall is referring to with that garage, that property is completely dilapidated and being done over so it would actually be a really good opportunity if you were to approach that homeowner there and take a look back there and decide on some sort of solution.

MR. CALLI: Well, we’re -- we’re glad to do that. I mean, I will say; it’s -- it’s very difficult to tie any kind of condition of an approval on we have to make someone else who’s not a party cooperate with us. It’s always an impossibility so I will say that, I will ask and several folks from Carrols and the owners are on this virtual meeting right now. We will approach our neighbors, but, you know, back to Frank’s question as to what’s easier, do we own our land and make sure that we’re taking care of everything within the boundaries of our property or --

MS. KAAR: With a fence in place.

MR. CALLI: We could just -- we could just move the fence. I mean, you know, as -- as Mr. Colucco testified, it’s getting closer to the residences but -- with a fence in place to go around. It’s done often enough. It’s not ideal. It’s hardly ideal but --

MS. KAAR: Well, Mr. Colucco was saying that you would disassemble the fence but that’s not practical, is it? I mean, would you disassemble a fence every time you want to take care of a property?

CHAIRMAN SANTORO: No. You could put a gate in there.

MS. KAAR: Yeah. You have to do something like that.

CHAIRMAN SANTORO: But I -- I -- I think what Mr. Calli is saying is he’s going to take responsibility for it so you -- you wanted to just move the fence, put a gate in or something but you’re going to maintain that property if you could have some deal with the homeowner, right?

MR. CALLI: Right, yeah. The -- the problem is, is the -- the unknown of the homeowner, right? We -- we --

CHAIRMAN SANTORO: Yeah -- no. We get that.

MR. CALLI: Yeah. You get into an -- when you get with neighbors, it’s an abyss sometimes so that is -- that gets a little bit scary so we’ll it -- out on our property. If we work out a better solution that becomes easier for us, wonderful. If not, it -- it’s ours to maintain and we’ll figure out a method how to do it.

CHAIRMAN SANTORO: So Gary could do a -- some sort of a condition around that.

MR. HALL: Yeah. I’m just looking. It seems like, if you’re so worried about uncertainty, just move the fence and put landscaping in and you’re done with it. It seems like the simple solution. I don’t know why you wouldn’t do that.

MR. CALLI: That’s fine.

MR. RUSSO: Yeah. I think the cleanest solution is just put the fence on our property, and then -- then, it’s clear; it’s not something hidden behind a fence that, you know, whoever is maintaining the property doesn’t see it because they see a fence and they assume “I only have to maintain up to here” and it would, you know, prevent incursions from the property owners in the back of using your property.

MR. CALLI: We could certainly do that.

MR. RUSSO: Okay.

CHAIRMAN SANTORO: Okay. Good.

Please continue.

MR. COLUCCO: That was the conclusion of my testimony. I’m happy to field any additional questions the Board has.

MR. HALL: I -- I had one other quick question on the parking and maybe I wasn’t paying attention.

The table that you have in, sort of, the middle of the page there. It has 72 seats. Did I hear...
someone say "69"? I heard a different number.

MS. BOARDMAN: 60.

MR. HALL: Excuse me?

MS. KAAR: Is what we heard tonight.

MR. HALL: What was the number?

MS. KAAR: 60; 6, 0.

MR. HALL: 6, 0? Because this says "72."

MS. KAAR: Yes.

MR. HALL: What's the right -- is 6 --

should that be "60"?

MR. COLUCCO: It should be 60.

MR. HALL: Then, you got a much lower --

well, that's...

MR. COLUCCO: It brings the parking requirement to 24, rather than 29.

MR. HALL: And then, the question is: Do you -- is it not -- is there a -- a meaningful way -- a reasonable way to eliminate some of that paving and parking if you're so far under the requirement?

Whenever I've been to that property, it's -- the parking use is so low; it's kind of silly, just throwing that out. I know you don't an added cost but it's just --

And is the other related question is:

There is a requirement. I -- I don't recall if anybody calculated it that, for parking areas, you're supposed to have 10 percent landscaping. I know this is preexisting and that's a whole other issue perhaps but I'll just throw that out.

MR. COLUCCO: As currently proposed, we have 14.7 percent of the parking area as landscape so we do meet that requirement and we will look to reduce our impervious coverage to be within --

MR. HALL: Well, it's landscaping within the parking area, not around it, so I don't know if anybody has checked that calculation.

Russell or Frank, I don't know if either of you've looked at that but --

MR. CALLI: I think, Gary, we become lawyers because we're not that good at math. I -- I --

I don't know where you put landscaping within the parking area and maintain the circulation around the building but --

MR. HALL: Well, that's what islands are for.

MR. CALLI: I don't --

MR. RUSSO: Islands and, I guess, are you maybe --

MR. HALL: I see one island here in the -- in the -- that's all.

MR. CALLI: I don't know where else you get an island here but our traffic engineer can take us through what could fit where and what can't fit for where for proper circulation.

We've tried to max out as much green as we could, especially with the concentration of our residential neighbors to the zone line at the lower rear end of the site so we're trying to put as much green on this gray site as we can. If there's an opportunity for more, we'll try to find it but I -- I don't know where that may very well be.

MR. HALL: Well, it's by eliminating parking. That's where you get it but the -- the striped area up by the street, do you know that that will -- will it bring you into compliance with the 70 percent lot coverage or do you still need a variance?

That's another unanswered question we have. It's a minor number; I realize but you go from 70.4 to 71.8.

You said, "Well, we'll bring it down. We can landscape the one area, the area by the trash enclosure. There was an ambiguous "We can try; maybe we can do that" so I don't know.

What are the numbers? That's my question.

MR. COLUCCO: It's a difference -- I'll do the math real quick here.

A difference of about 430 square feet.

MR. HALL: Now, is that triangle 400 square feet? I tend to doubt it.

MR. COLUCCO: Between -- between the two of them would be pretty close. If we needed to, we can eliminate one parking space.

MR. HALL: Okay. And we -- we can't be maybe get a variance or maybe not. I guess we could be but I prefer to get closure on that issue.

MR. CALLI: I think, with the overage in parking, Gary, we could probably find enough green if we have to to ensure compliance getting back down to, at least, the preexisting condition. I -- I think that's probably fair to say.

R.J., you think that's achievable, if we really have to and we're off by a fraction of a percent?

MR. HALL: I'd say go to 70. I mean, I don't vote but -- I mean, it's not -- maybe it's not a variance if you're keeping it the same, but still, why can't you conform? We're such a little area that --

MR. CALLI: I think we probably -- I think we probably can, Gary.

MR. HALL: And I don't want "probably."
I -- I think, if we do a condition, it will be “will comply.”

MR. CALLI: Right. Otherwise, we're coming back for it, right, so I think we’re in agreement that we will find a way to conform at the 70.

MR. HALL: Yeah. Okay. Even if you lose one parking space which would be...

MR. CALLI: Which -- right. Because we’re still green on parking so that’s fine.

MR. HALL: Well, parking will be, you know, almost 200 square feet, so if you do the little angle, you should be okay.

MR. RUSSO: Are -- are you guys going to repave the lot or what are you going to do with the blacktop?

MR. COLUCCO: Sure. So if you can see from the rendering, these dark paved areas are repaving. They’re full-depth pavement, and then, the lighter gray hatch is a mill and overlay of the lot.

CHAIRMAN SANTORO: Now, just curious about -- because I did not notice, you know, quite a number of drains in -- I don’t know about odd locations but there were a few drains here and there. I’m just wondering about any runoff that comes down to the street and how that's being dealt with sufficiently?

MR. COLUCCO: Well, the way the grading works out, the site, generally, slopes from the rear of the property to the street so runoff from the street would not get to the property; everything slopes down towards the street.

CHAIRMAN SANTORO: Right and I’m -- yeah. That’s what I’m interested in, is catching it before it goes to the street and has to be handled by the municipality.

MR. STERN: Do you have French drains across the driveway that’s prohibiting the spill of water into the right of way?

MR. COLUCCO: We don’t. There are existing storm inlets that are on site. There was a question as to those being cleaned out. We will clean those out and it is assumed that, as previously proposed and approved by the Board when these inlets were put in to handle the storm water that it would function as it does today.

MR. RUSSO: Mr. Chairman, I believe this, the site stormwater, is connected to the State of New Jersey system that’s within Main Street, Route 20 --

CHAIRMAN SANTORO: So that’s okay?

MR. RUSSO: Yeah.

CHAIRMAN SANTORO: Okay.

MR. RUSSO: Mr. Colucco, while I -- I’ve got the microphone, have you had the opportunity to -- to review my latest memorandum?

MR. COLUCCO: Yes. That is the one dated July 7th?

MR. RUSSO: Yes.

MR. COLUCCO: Yeah. I saw it.

MR. RUSSO: A lot of comments on signs, which I don’t know that can you address a lot of them by eliminating a whole bunch.

Comment Number 9, have you gotten any input from the borough fire chief regarding the replacement of a fire zone?

MR. COLUCCO: We did get a comment letter from the fire chief or an e-mail and they didn’t have any issues with the site as it was today. They didn’t request any additional fire lanes.

MR. RUSSO: Okay.

My Comment Number 10, the site shows and the site plan showed you’re going to replace all of the existing granite block curbing with concrete curbing; is that correct?

MR. COLUCCO: That’s how it was currently proposed, yes.

MR. RUSSO: Because, from my own site inspection, the granite block is in exceptional shape and, you know, it just seems like, to remove something in good shape to replace it with new curbing, I mean, it -- it’s the applicant's money and he can spend it as he wishes but if -- I would actually prefer to leave the good granite block curbing that's there and if you we're going to spend that money, you know, eliminate a couple of parking stalls, which would bring the site into impervious coverage compliance and you still have enough parking.

MR. COLUCCO: Well, it’s a -- it’s a valid point. We can definitely review with our client leaving the Belgium block curb that’s out there.

MR. STERN: Frank, I’d like to add to that. That was a good point.

The ordinance under Section 195-25.15m5 does require Belgium block curb, so if -- if the applicant were to go to the concrete, that would be a waiver from the Board, in my opinion.

CHAIRMAN SANTORO: So can we -- can we just go with what block the ordinance requires, please?

MR. COLUCCO: Yes, we can either leave what’s existing out there, and if we do need to replace
a section of curb, we'll make sure we replace it with a section of curb, we'll make sure we replace it with Belgium block.

MR. STERN: Okay. Great.

MR. HALL: Does that eliminate the need to redo the perimeter paving of the parking lot? The gray area that --

MR. COLUCCO: The dark -- the dark --

MR. HALL: Is that independent of the curbing? I didn't understand that.

MR. COLUCCO: No. That was strictly for the new curbing so that would be --

MR. HALL: Okay. Less disturbance, I mean.

MR. RUSSO: It's -- it's the same disturbance. It's just less cost to the applicant.

MR. HALL: Yeah. Yeah.

MR. STERN: So the -- the intention is still to mill and pave the remainder of the parking lot, correct?

MR. COLUCCO: Correct.

MR. HALL: Is there enough room off the corner of the solid waste enclosure there? What's the -- the width there? It looks kind of tight.

MR. RUSSO: Sure, Mr. -- Mr. Chairman. You know, I'm just trying to save the -- you know, the black concrete probably double the cost, if not more, of just standard concrete so...

MR. STERN: We -- Frank, what? You have a concern that that striping or that painting just won't stand the test of time, and within about a year and a half, it won't even be visible?

MR. RUSSO: Well, what happens with the tinted -- with the tinted concrete is that fades so it's only black, initially, when they put it down. I don't know. I don't feel strongly either way. I just, you know, the visual queue for, you know, people who will frequent this or infrequently come here, you know, again, where do I go? So I -- you know, that could be something that could be worked out afterwards.

MR. STERN: I'm -- I'm just, typically -- typically, just dealt with the concrete pads through the -- through the drive-throughs so this is the first time I've seen black concrete. Could you explain for us, what's the purpose of that?

MR. COLUCCO: Sure. It's a -- a standard that Carrols and Burger King likes to implement, just to match what's out there rather than having the different colors.

MR. STERN: I have been involved with a number of fast food, quick food establishments. This is the first time I've seen black concrete. Could you explain for us, what's the purpose of that?

MR. RUSSO: Yeah. We will --

MR. HALL: There's striping there, Frank. We will definitely add some kind of delineation whether it's revising the concrete or adding a striped barrier around the exterior of it to delineate it.

MR. STERN: Frank, what? You have a concern that that striping or that painting just won't stand the test of time, and within about a year and a half, it won't even be visible?

MR. RUSSO: Well, what happens with the tinted -- with the tinted concrete is that fades so it's only black, initially, when they put it down. I don't know. I don't feel strongly either way. I just, you know, the visual queue for, you know, people who will frequent this or infrequently come here, you know, again, where do I go? So I -- you know, that could be something that could be worked out afterwards.

MR. COLOUCO: We'll revise it to regular concrete.

MR. STERN: Okay. Between the corner of the solid waste enclosure --

MR. COLUCCO: The width where?

MR. HALL: -- the corner of the solid waste enclosure there? What's the width there? It looks kind of tight.

MR. COLUCCO: Uh-huh.

MR. HALL: -- and the drive-through. In other words, how wide is the pass-by lane at that corner of the solid waste enclosure?
corner. It's looks tight.

MR. COLUCCO: Sure.

MR. HALL: You know what I'm talking about? I mean...

MR. COLUCCO: Yeah. I do.

MR. RUSSO: Because the concrete pad extends beyond the trash enclosure.

MR. HALL: Right. That's a pad and...

MR. RUSSO: Right.

MR. COLUCCO: You're talking from here to the edge of...

MR. HALL: Right, yeah. Yeah. The dark area is paved but it's, you know, maybe that exaggerates the tightness. Look, I'm just asking.

MR. COLUCCO: The gates and the edge of the concrete pad, you're looking at about 22, 23 feet.

MS. KAAR: I -- I -- is that what you're really asking, Gary, or are you talking about...

MR. HALL: I'm talking from the concrete pad because I don't know if it -- especially, if that's going to be a different -- is that regular white-ish concrete versus the -- the gray asphalt? I mean, it's the converse of what we're concerned about on the other side of the --

right?

MR. COLUCCO: Correct.

MS. KAAR: Same grade as -- as the pavement?

MR. COLUCCO: Same grade as --

MS. KAAR: The gray pavement?

MR. COLUCCO: Yes.

MR. HALL: Wouldn't people still hesitate to drive across a -- a pad versus the road? I mean...

MR. FOSTER: I think that's why it's -- I think that's one of the issues you have to get to.

MR. HALL: Can you narrow that concrete pad? I don't know? It just --

MR. RUSSO: I mean -- I mean R.J. is there, the opportunity to chamfer for that -- that reinforced pad a little more to provide, you know, that from-the-sky, clear, you know, width that -- that you're going to need?

MR. COLUCCO: Yeah.

MR. HALL: As I'm looking at that, that one parking space is -- looks kind of challenging without driving across the pad.

MS. KAAR: Like, yeah.

MR. FOSTER: I think the back one or two of the east -- east parking spaces are real question marks.

Look, I look at this and I say, you know: What -- what happens when we have four people with Chevy Suburbans pulling in here because that's what's going to happen in Madison, and doing it that way, it's looking pretty tight.

MR. COLUCCO: If we can chamfer the pad, we gain that 18 foot.

MR. HALL: I think you said you'd probably lose one space anyway to meet the 70 percent so would be an ideal one to get rid of.

MR. CALLI: It looks more like three, Gary, doing some quick math, our engineer finds, so it might -- it might even be a little bit more so it might give us more flexibility to play with this area.

MR. HALL: Yeah. Eliminating two would address --

MS. KAAR: Are you saying, Gary, then, extend the enclosure to the north and...

MR. HALL: No, no. I'm just saying landscape or get rid of that and have ground-level landscaping, where the -- where the cursor is right now or where it was.

MS. KAAR: Yeah. Well -- well, what I'm
saying is, if that's a choke point, can you expand the
trash enclosure and make that passage wider? You know,
expand it to the north but make it shorter on the west.

CHAIRMAN SANTORO: I don't -- I don't see
that area as being an absolute choke point. It's just
a matter of you have a concrete pad --

MR. HALL: It's just the optics of it, I
think.

CHAIRMAN SANTORO: Yeah. You just have
-- you just have a piece of concrete pad coming out
from where the trash enclosure is.

MS. KAAR: Okay.

CHAIRMAN SANTORO: Where maybe -- where
there, you just truncate that a little more, more of a
flat going through there.

MS. KAAR: Okay.

MR. FOSTER: Cut out the last one or two
parking spaces on that east side and you -- and you
delineate on the pavement where the exit lane is, I
think you'd be okay.

MR. CALLI: I -- I think that's it. It's
plenty wide. It's all flat but the optics of coming up
to it and you're seeing these varied visuals on the
ground might make you wonder how you're going to pass
through so I -- I -- that probably solves it.

MR. HALL: Yeah. That's a good idea.

CHAIRMAN SANTORO: So you guys -- you
guys will amend that plan, then, to show the better --

MR. CALLI: We will; we will.

CHAIRMAN SANTORO: Good. That's good.

MR. HALL: We'll have Russ or Frank or
whoever take a look at that if you do it.

MR. FOSTER: I think we're going to have
the same issue on the west side with people coming in
but I don't know whether we want to address that now or
with the traffic engineers.

MR. HALL: Oh. With people backing out
of the parking space and...

MR. FOSTER: Well, I think -- I think
that bump-out that, you know, that is, basically,
parallel with the second drive-through lane, again, I
-- I think, as a practical matter, it's going to be
very tough for people who are not going to the drive-
through to get past there --

MR. HALL: Oh. Okay.

MR. FOSTER: -- and I think there are
ways to deal with it.

MR. HALL: Okay.

MR. RUSSO: Mr. Colucco, my last comment,
my Comment Number 14, at the south -- southern --
 southern end of the site where there's overland flow
from the adjacent residential properties, you're going
to revise plans to show some other some means of
addressing and/or reducing that erosion that's
happening?

MR. COLUCCO: Yes. Pending a favorable
outcome by the Board, we could work with you to provide
some kind of mitigation there.

MR. RUSSO: Okay.

MR. HALL: Frank, where was that on the
plan?

MR. COLUCCO: Right about here, Frank?
MR. RUSSO: No. Back further. In back
in that back lower-right corner.

MR. COLUCCO: Over here?
MR. RUSSO: Yeah. If you go out to the
site, you can't miss it.

MR. HALL: It's erosion that needs to be
dealt with?

MR. RUSSO: Yes.

MR. HALL: Okay.

CHAIRMAN SANTORO: Now, I -- when I was
there, I had walked over behind those bushes by the
fence there, walked through there, and it was actually
running water coming from that property you discussed
earlier.

MR. RUSSO: Right. That's what I saw so,
you know some sort of rip-rap or some sort of
channelization just to -- I mean, we definitely have a
lot of gravity working over here so just some means of
addressing that overland flow because it's -- it's --
clearly, it's channelized itself so it makes it a
little easier to address because, now, you know where
it is.

CHAIRMAN SANTORO: So there -- so there
was water coming down from the property behind where
there's the five-or-so parking spaces at the back there
where it says 9 feet, that second one. The water was
flow down through there and down into of the lot.

MR. COLUCCO: We'll work with you to
satisfy his comments, sir.

MR. RUSSO: Okay.

I have no other comments, Mr. Chairman.

CHAIRMAN SANTORO: Sure. Okay.

Russell, do you have anything you wanted
to ask Mr. Colucco?

MR. STERN: Well, my report of July 18th
have a number of comments that have not been addressed
at this -- at this point. I don't know whether -- how
the applicant will proceed to address those but there
are a number of, you know, detailed type of questions
regarding everything from bicycle racks to overhead
lines so on.
The question to the applicant and the
attorney is: How would you like to address those
items? You want to circle back to them or would you
just care to address them now?
MR. CALLI: This is fine time, Russ, to
go through. Those are definitely site items and R.J.
is certainly the witness to -- to help you through
those questions so I think now is a fine time.
CHAIRMAN SANTORO: Okay. Let's get
through it.
MR. STERN: Okay. Sure.
I'm just going to address the ones that
are -- that are open.
1.2, there is a borough noise ordinance.
You would agree to comply with the borough noise
ordinances as it pertains to your speaker system?
MR. COLUCCO: Yes.
MR. STERN: Back in 1998 when this site
was last approved the applicant was required to prepare
and submit a litter management plan and implement and
enforce that plan on a regular and reasonable basis,
but when you go out to that site or, at least, when
trash out in that back parking lot so I think you need
to revisit that and put a plan together and have the
staff fully aware and implementing that plan.
MR. COLUCCO: We can do that.
MR. STERN: 1.4, the ordinance does
require trash receptacles. Looking at what you
currently have, they seem to be a bit outdated and the
recommendation is to put in new, you know, attractive,
contemporary type trash enclosures. Some are even
hidden by the bushes, at least, to the easterly side.
MR. COLUCCO: We can look at working that
through with you as pending a favorable outcome, yes.
CHAIRMAN SANTORO: And that litter
management plan, who does that go to? Does that go to
our engineer for review?
MR. STERN: That could just go to the
staff, in general, for review. I think Gary can take a
look at it too.
MR. RUSSO: Okay. But probably the
Health Department because their -- Health Department is
the entity that enforces property maintenance.
MR. STERN: Okay.
CHAIRMAN SANTORO: So you get that, Gary?
MR. HALL: Yeah, yeah. No, that makes
sense, Health Department.
CHAIRMAN SANTORO: Thank you, Frank.
MR. RUSSO: You're welcome.
MR. STERN: Okay. And 1.5, could you
address the method of providing your electric to the
site, your utility service to the site?
MR. COLUCCO: The existing would remain.
MR. STERN: Which is...
MR. COLUCCO: The overhead line.
MR. STERN: And that goes along the side
of the property line and the enters the rear
southeasterly building corner?
MR. COLUCCO: Correct. I believe it
enters over in this vicinity.
MR. STERN: And that would, basically,
remain as is as preexisting?
MR. COLUCCO: Yes.
MR. STERN: Okay. You addressed Item
1.6. You're reducing the height of the light
standards.
You will revise -- for Item 1.7, you'll
revise the note that the maximum height is 15 feet --
MR. COLUCCO: Yes.
MR. STERN: -- on the Sheet 4? Okay.
MR. STERN: And there are six -- since your sidewalk on the westerly side of the building is flush with the pavement, you're providing -- since you don't have a curb, you're providing six yellow-painted steel bollards. Can you tell us a little bit more about that? There was no way to provide a curb? You have to provide the bollards? This is the -- the westerly side of the building.

MR. COLUCCO: Yes. The way the grading had worked out, were proposing to maintain what was existing today, which was flush curb all the way across there.

MR. STERN: Is there something a little more decorative that can be done or -- it's clearly visible to the motorists but not so utilitarian? Is there not an alternative?

MR. COLUCCO: Sure. We could look at different options pending a favorable outcome and work that through with you.

MR. STERN: All right. Thank you. And at the site now, there are some bollards. You see Burger King advertising on them so a favorable resolution should note that signage mounted on bollards is prohibited. Is there agreement on that?

MR. COLUCCO: Yes.

MR. STERN: And 1.20 pertains to an affordable housing development fee. If applicable, you will provide that payment?

MR. COLUCCO: I would defer that to our project attorney, Mr. Calli.

MR. STERN: And I will stress, "as applicable."

MR. CALLI: Yes. If that non-residential development fee applies for us, we will certainly pay our percentage of the equalized assessed value, whatever that calculation is.

MR. STERN: Okay. I'll hold off on the architectural questions for the architect, circulation and parking for your traffic engineer, the conditional use variances for your planner and the signage for the planner.

There were some landscaping comments. Is that something you'll be addressing or is there a landscape architect that will be addressing that or will Mr. McDonough address that?

MR. COLUCCO: I can address some of the landscaping comments, yes.

MR. STERN: Instead of my going through all those comments, are you in agreement with them?

MR. COLUCCO: Yes, we're in agreement with your comments.

The one thing that I'll note is: Street trees along Main Street, since this is within DOT right of way, we would need approval from their office.

CHAIRMAN SANTORO: To do what? What was that?

MR. COLUCCO: If there were any trees within the DOT right of way.

CHAIRMAN SANTORO: To -- to what? Remove them or what?

MR. STERN: Right now -- right now, your proposal is to retain those existing street trees?

MR. COLUCCO: We are maintaining those existing, yes.

CHAIRMAN SANTORO: Let me ask a question. I don't want to get -- it might be early for this but since you are on to the landscaping, you know, driving back and forth at night, I went past this property a lot of times since receiving the application, and when you're heading west, not a problem. You can see the property pretty well. Heading east, the -- One of my concerns is that -- that the property is somewhat blocked by -- by Madison Eyes, that -- that building next door, and then, there's several -- I don't know, three or four. They're
borough trees in the right of way there that completely
obscure Burger King and its sign and I -- I -- I see
that as --
You know, I love trees as much as anybody
on Shade Tree Commission, but if it completely blocks
your vision, the view of your store, that's not good so
I'm -- I'm just wondering: Is there --
And, Russell, you tell me: Is -- is
something that could be done to help the applicant to
maybe remove one of those trees or do something like
that, so that way, whatever -- whatever signage goes
up, people can see?
MR. STERN: If I recall correctly,
probably one of the -- the biggest offenders, one of
the shade trees that blocks most of this site is
actually -- is located on Madison Eyes and I think,
from my experience, the Shade Tree Commission has
weighed in on some of these applications and I think we
need to really put that over to them. They are looking
at replacing some of these shade trees along the
highway because just about all of them are Bradford
callary pears or some -- some species of that so I
think we would just need input from them but it is a
shades tree on Madison Eyes that is blocking quite a bit
of this site.

CHAIRMAN SANTORO: You know, what I'm
trying to do is I'm trying to help the applicant
because, you know, they're investing all this money to
upgrade this building and do the signage but I'm
telling you right now, you -- you -- I don't think
you're going to have a great outcome because of those
couple of trees that are sitting there. I don't know
if you guys agree with that. Did --
Does the applicant agree with that? Have
you looked at that, Mr. Calli?
MR. CALLI: I -- yeah -- no. I -- I
definitely appreciate that effort, Mr. Chairman. I see
exactly what you're doing. I don't know if that was
explored during site plan design. I think that it is a
fine suggestion and we're amenable to that. I -- I do
think we might be shooting ourselves in the foot a
little bit with the -- you know, with visuals of
leaving certain things that maybe should go and -- and,
you know, vice versa on other parts of the property so
I appreciate your offer and thought and I -- I think --
if we could be flexible post-approval, I think you
might see some tweaks there.
R.J., do you have some thoughts? I know
you are looking at this, kind of, on the fly but...
MR. COLUCCO: No. I -- I agree and I've
been out to the site and it is difficult to see it from
the east so we -- we do appreciate that and I think it
would help out a lot.
CHAIRMAN SANTORO: One of -- one of the
things that we're very lucky, we have our planner, who
is Mr. Stern, is a planner but he's also a licensed
landscape architect, and where he's been really
invaluable is, he does -- at the end of these
applications, he'll come back after it's built and
inspect and make sure everything is there but maybe --
maybe as part of that role, he can also work with you
guys on that, maybe make a suggestion to the Shade
Tree?
MR. CALLI: Certainly.
CHAIRMAN SANTORO: If that's --
Russell, if you think that -- if you buy
into what I'm saying, you think that that's something
that may be helpful?
MR. STERN: I think, you know, this can
also go hand in hand, ultimately, with the sign
variances that the Board will be entertaining, and as
you're approaching the site from the east, on the
demolition plan, it -- it does note retention of a --
they called it a white pine but it's actually some type
of Cyprus tree, which is very think and pretty much
does block the site, the view of the site.
Reviewing the drawings and looking at the
landscape plan, that is being -- could confirm that --
that, this point on the drawings, it's being retained?
MR. COLUCCO: Currently, it was being
retained, yes.
MR. STERN: Okay. Yeah. I think -- I
think all that needs to be explored along with the --
with the sign variances.
MR. CALLI: Okay.
MR. STERN: With kind of, like, a "to be
determined" type of thing.
MR. CALLI: And that's fine and Mr.
McDonough, like your a planner, is -- is also, proudly,
a landscape architect so I think, when John testifies
-- and grant it, some of this is on the fly, but
notwithstanding a very good offer Mr. Chairman, I know
it comes from a good place and think we're going to
certainly take you up on it if we can.
John, when he testifies, might be able to
opine as to what and where there could be tweaks up
front and how that does play into our signage package
as well so we could definitely explore that as the
night goes on, not just leave it a TBD post-approval
type thing. I think we can dig in deeper this evening.
CHAIRMAN SANTORO: And if you guys have time permitted.

MR. CALLI: Right. Right. I appreciate that.

CHAIRMAN SANTORO: All right. Go ahead.

MR. STERN: Well, they've agreed to the landscaping comments subject to -- to the item we just discussed.

So at this point, I -- I have asked all my questions of the engineer.

CHAIRMAN SANTORO: Okay.

Any members of the Board have questions for the engineer?

(No response)

CHAIRMAN SANTORO: Okay. I guess not.

All right. So I want to go to the public.

Now, is that all right, Mr. Calli, see if there's any questions?

MR. CALLI: Certainly, Mr. Chairman.

CHAIRMAN SANTORO: Okay. So I want to go to the public.

before any Planning Boards of Madison or locally?

MR. MAHONEY: No.

CHAIRMAN SANTORO: Okay.

Anywhere?

MR. MAHONEY: In New Jersey?

CHAIRMAN SANTORO: Yeah.

MR. MAHONEY: Yeah. Lacey, New Jersey probably a few years ago.

MR. CALLI: Forked river, I think, right down in Lacey?

MR. MAHONEY: Yeah. Brick.

CHAIRMAN SANTORO: All right. We'll accept you. Go ahead.

DIRECT EXAMINATION BY MR. CALLI:

Q. Pat, you heard a lot of our discussion this evening related to what I described as nice updates, modernizations of the site with a lot of not just functional improvements but aesthetic and here's where I think we have, really, a chance to shine on this application above and beyond the wonderful site improvements that R.J. is showing.

If you would, take the Board through --

MR. CALLI: And -- and -- and these are either part of the package, Mr. Chairman, or they were pre-marked exhibits. You're going see some color elevations which we have pre-marked and we'll show you shortly.

Q. Pat, would you take the Board through the various elevation improvements we're are proposing?

Materials, colors and, then, we'll get into the sign package thereafter. I think that might be the best way to do it.

A. Okay.

MR. MAHONEY: Chris, can you pull up the elevations which we have pre-marked and we'll show you shortly.

Q. Pat, would you take the Board through the various elevation improvements we're are proposing?

Materials, colors and, then, we'll get into the sign package thereafter. I think that might be the best way to do it.

A. Okay.

MR. MAHONEY: Chris, can you pull up the elevations?
A. So that's the new front door going in at the -- what we think of it as the main parking area of the building adjacent to it. So -- so in general, the -- the building elevations that exist are a more traditional Burger King that that kind of look started in the late '60s and '70s with a mansard roof going all around so that's being updated to eliminate the mansard roofs and a series of stone piers and then intermixed between cement panel infill areas with glazing updated. The -- the red band that we show on the top of three sides of the building is typical to a Burger King, generally. Now, currently that red band is around all four sides to the building. We don't see any need to have it on the back facing the residences, which is reason we reduced it by -- by one side and only have it on the three so the red band itself is illuminated, doesn't -- doesn't give any appreciable light to the site but it -- when lit, it is visible and internally illuminated by LED lights.

At the midpoint of the building, there are a series of canopies that surround it that are a stainless finish, an anodized finish, and the -- behind those are up and down lights so the down lights throw some light on to the sidewalk for walking safety and half the amount of light that goes down goes up so they go up and down to wash the -- the panels or the stone fairly gently, again, not a -- not a tremendous level of illumination but it -- but it's not dark. So the -- the stone kind of gives us an updated look. This is something specific to Carrols. Burger King does not do this, generally, but Carrols prefers a little more of upscale look to their -- their building, which is why we use the -- the stone so the stone is accenting the -- the main entrance element in the drive-through windows on the -- on the drive-through side of the building. So on these elevations, we show a number of signs, and going from the top where we see the dining room elevation, this is one of the signs that we've -- that we've said would be eliminated at this point so there -- there would be no -- no signage on that pier.

Going down to the front elevation, the "Home of the Whopper" sign would be eliminated. The logo that is on the main entrance would be retained so -- and that -- that is a 5-foot-diameter sign.

Going down to the drive-through elevation, the logo that is on the pick-up window would also be eliminated.

CHAIRMAN SANTORO: So you just have one "Burger King" medallion in the front?

MR. MAHONEY: That is correct.

CHAIRMAN SANTORO: Okay. And let me ask you just a quick question on the -- on the -- the red trim there; that's illuminated?

MR. MAHONEY: It is illuminated by LED lights, and again, it's -- it's bright enough that it -- it -- it's -- it's lit through a translucent panel and it's not -- it doesn't give appreciable light to light the site or sidewalks.

CHAIRMAN SANTORO: Does it -- is there --

MR. MAHONEY: Yes. And this is a question for our engineer as well. Is there a measure of light just to make sure that we know what we're getting into? Whether it's a lot or a little?

MR. MAHONEY: We can submit the specs. I mean, it -- it's not measurable at the -- at -- we usually measure these things at -- at -- at ground. It's not measurable at ground.

MR. HALL: Is there -- is there a location where this model has been actually constructed and in operation that people could see?

MR. MAHONEY: There is and we can forward some locations. They're -- they're -- they're -- they've been done in many locations.

MR. HALL: And if -- if the -- the --

MR. MAHONEY: We've had that question before and we believe, theoretically, it is possible to do it. In the hundred or so locations since I've been involved in, look, we've not done one but it -- and I think there's a number of ways it could be done. One way would be a simple way to put a film on the inside of the lens to tone it down. I think this kind of thing is -- is best done on site, so if the issue was illumination level, a test panel being put up and whether it had no film on it or various degrees of a film, to me, would be the -- the most reasonable way to do it as opposed to -- I -- I don't that doing it in -- in your -- in the shop or something is going to give a realistic look as to how it would be on the site.

MR. HALL: Would the film be on the outside? Is that how that would work.

MR. MAHONEY: I think the film would be
on the inside.

MR. HALL: Oh. Inside. Okay.

MR. STERN: Do you have a detail of this in any of the drawings that were submitted?

MR. MAHONEY: There's not a detail of it. We can submit the detail. It's, essentially, a very thin fixture with -- with LED lights and a lens so it's -- it's fairly -- a fairly simple detail.

CHAIRMAN SANTORO: And that -- that's not permitted currently under the ordinance?

MR. STERN: No. So this is just a question: You know, is there a logical break point to this where just the illuminated portion of this red accent band stops, so on that drive-through elevation, it would stop at your -- at the drive-through window that's -- that's closest to the roadway. On the opposite side along the -- the westerly elevation, maybe it stops at that second bay window at that second window just because the -- this protrudes out and closer to the residential zone.

MR. MAHONEY: There's no reason that couldn't be done. They do come sections and to unplug several sections could be done on site after the fact or...

MR. STERN: I mean, this is being used as part of the corporate logo? This -- this is used by other McDonald's [sic] or it this just your --

MR. MAHONEY: Burger King.

MR. STERN: Burger King. Wow. I'm sorry.

MR. MAHONEY: That's okay.

MR. STERN: Burger King. So is it the Burger King?

MR. MAHONEY: I don't believe it's a copy-righted image, though.

MR. STERN: But I mean, it is used as, I guess, advertising? I mean, the old school McDonalds used kind of, like, the broken french fry, illuminated roof rib. Other, you know -- other franchises have their, you know architectural styles to recognize the use so is this -- this is a -- this is a Burger King tool?

MR. MAHONEY: This is -- this is only used by Burger King, to my knowledge.

CHAIRMAN SANTORO: I'm not -- I'm not speaking for the Board, just -- just me, personally, but I'm not opposed to it but I just -- just I'm a little concerned about knowing exactly, you know, how -- how bright it actually is, right?

Anybody want to -- any of the Board members want to comment on that?

MR. CALLI: Mr. Chairman, if I might, before the Board continues discussion on that point, it is possible to not illuminate it at all if that is the Board's desire and the majority of this Board feels as though they would rather, in the borough, not have this banner lit on those three elevations, we certainly can have it not illuminated. It would be counter to the model, the branding and what we've done at 100 locations but -- but certainly, it is something that is possible here. Should the Board make that request, I think you will find the applicant amenable in the response.

CHAIRMAN SANTORO: Well, let me ask a question: Is the "Burger King" logo there, was that -- was that reduced in size or is that the original size? Is that the actual scale of that "Burger King" logo?

MR. MAHONEY: That is full scale that has not been changed, the one remaining sign.

CHAIRMAN SANTORO: So that's going to stay as proposed?

MR. MAHONEY: Correct.

CHAIRMAN SANTORO: Okay. And then, there's monument so I'm looking at it holistically, and then, decide on the stripe.

So there's a monument sign as well?

MR. CALLI: There -- there is a monument sign, yes.

CHAIRMAN SANTORO: Okay. When you're ready, I'd like to see that?

MR. CALLI: Certainly. We'll defer to the Board for any questions on the elevations, talk about the skin, and then, we can pull away and talk -- talk about the freestanding sign if -- if there are none, Mr. Chairman.

MR. DiIONNO: A question or a comment on the red bands and the red accents: You know, I agree. It's just hard to tell, from a drawing, what it will actually look like so I'd be interested in seeing some other sites and how it functions. And then, the other consideration is, you know, timers. If, you know, maybe -- and in the winter, when it gets dark at 5:00. okay, you know, fine; from 5:00 p.m. until, whatever, 8:00 p.m., it's on but, then, potentially, turn off at a certain time to, you know, reduce that for the neighbors.

MR. CALLI: That -- that is certainly an option as well, and you know, my feeling on having it not illuminated is: I know the applicant is okay with that, if need be, and as the Chairman said, looking at
this in its totality and holistically of the package
we're proposing, you know, if you remember, right at
the start, we said we're trying to be mindful and
strike a balance here and I thought signage was going
to be a large part of the discussion and you heard R.J.
just peck off about half the signage when he was
testifying giving you the square footage reduction, and
now, you're seeing it on the plan.

We're trying to achieve certain goals
with signage that do matter more than others for
branding purposes and for Burger King purposes, so if
there is a way to temper any concerns of what the Board
might feel it too much, here is certainly a place where
we can do a very easy haircut with the illumination on
the band.

Alternatively, we can have it probably go
off on a timer. That's probably pretty easy to do as
well but we'll leave it to the Board's pleasure to
decide what you feel is best on this site, but again,
non-illuminated, certainly an option on the table for
the applicant.

MR. HALL: But it sounds like you could
do it and take the lights out later if people didn't --
thought it was too much.

MR. CALLI: Yeah. I think -- yeah.

That's --
-- from Mr. Mahoney that you could -- one option is to
take the lighting out and leave the band; is that
correct?

MR. MAHONEY: You don't have to take the
lighting out. Only thing you do is disconnect the
power source from the light --

MR. HALL: Okay.

MR. MAHONEY: so it's very easy.

MR. HALL: Yeah. I think people are just
cared about the unknown, not knowing, and, if
there's an adjustment clause in there, it would seem
like that might be doable.

CHAIRMAN SANTORO: Well, that -- that's
-- I'm not saying we want to do it but that's what we
did with the Investor's Bank because they had the
drive-throughs over there and it was, you know, a
considerable amount of lighting involved in that for
safety, given it's a bank and everything, and we did
have a condition in there where the residents -- and it
was also more or less in the one street. Alexander is
residential, where we pull out a review after six
months, so if there was complaints or people were
upset, the applicant agreed to dial it back which that

didn't happen but -- but that is something the Board
could impose if it wanted to.

MR. STERN: Just -- just let -- let --
MR. CALLI: Mr. Chairman, you know --
I'm sorry, Russ.
I -- I -- I think that, you know, as Mr.
Mahoney said: In the field is the best place to
probably test this out, whether or not we were going to
dull the lights with film or not. I mean, if -- if --
and this may look very nice. The Board may, in fact,
like it illuminated versus not. This is not 1990 neon
we're talking about here. It's pretty sharp-looking,
so if the Board said "Leave it as it is, illuminated," but
if, in the field, we, as a Board, meet in October and
say -- or you know, whatever month you meet after it's
up and running it's too much, you tell Frank; you tell
Russ. They tell us, and you know, administratively,
you agree to tone it down or lose it if -- if the Board
decides upon, you know, field inspection when it's up
and running that it's -- it's not what we all thought
it would be, that's probably an alternative as well
we'd be interested in because, again, we proposed it
with the illumination. We think -- we think it looks
good. We like it. It programs well at, you know,
many, many sites so we're all for giving it a shot,
subject to the Board's review in the field thereafter.

MR. RUSSO: Right.

CHAIRMAN SANTORO: But this is very
unique, this situation.

Who's -- who's speaking? Frank?

MR. RUSSO: It's me. Just something to
consider, the hours of operation of the Burger King are
7:30 a.m. until midnight, so you know, if this is going
to be illuminated until midnight every night, you know,
it -- you know, how much is too much?

MR. STERN: Yeah. Something to consider
is, you know, with Burger Kings, this has been present
on others but you have -- you -- you have to take a
look at the actual location of this. This is not a
Route 10. This is not a major highway, Main Street.
This is not a major highway in terms of the speed
limit, in terms of the building setback. This is not
your traditional suburbia. I -- there is a concern
with the closeness of other buildings and properties to
this that -- that it may not be appropriate, and with
all the other signs, if it's a guaranteed it's not
going in, I think that may make some decisions on the
other signage easier.

But I have seen this elsewhere and those
are on major highways where the buildings are set back
substantially about a good hundred feet. They do have that red branding parapet. It's not -- I don't think it was this treatment because this is more old school but that is a different setting. You have to think about the density that we have here with all the other land uses and the fact that the building does go out, doesn't go into the residential district but, you know, it's -- it's close to it. You know, it is a red with the -- with the extended hours of operation to midnight.

CHAIRMAN SANTORO: Could -- could we -- could we see the sign so we could a sense of what that adds to the whole framework here?

MR. MAHONEY: What do we need to do for R.J. to share that?

MR. CALLI: And, Mr. Chairman, why we're trying to share that screen, I will tell you that, speaking with the applicant this evening and now hearing the Board's concern and thoughts about the band, the applicant is going to take illumination completely off the table with the red band. We don't need to look to at it in the field and see if you like it or not. We don't need to tone it down. We don't need to have a timer. The request to illuminate it is withdrawn.

CHAIRMAN SANTORO: Thank you. Okay.

MR. CALLI: Make it easier.

MR. STERN: The next question is: What happens to the top of the parapet? Is it just a non-illuminated, red accent band?

MR. MAHONEY: Correct.

MR. STERN: Tile?

MR. MAHONEY: It's a -- it's a -- a polycarbonate panel that's red. It just wouldn't be illuminated on the inside.

MR. CALLI: And Pat and Chris, I believe you're trying to pull up the monument sign detail now?

CHAIRMAN SANTORO: I think -- R.J., I think you're pulling that up?

MR. COLUCCO: I'm looking for it now if you guys could pull it faster than me.

MR. CALLI: All right. So you know what we're going to do is, we're going to take a five-minute break while you're pulling that up so it's 9:09, so five minutes from now, we'll pick up. Okay?

(Recess taken)

MR. CALLI: When we left off, our architect, Pat Mahoney was going to bring up the monument sign detail and it looks like we've got it up now.

FURTHER DIRECT EXAMINATION BY MR. CALLI:

Q. So, Pat, if you would like to walk the Board through this proposed monument sign, its area, size, location, we could start chatting about the -- the monument sign.

A. (No response)

MR. CALLI: The architect might not be back yet, Mr. Chairman.

CHAIRMAN SANTORO: He's trying to talk. Yes. It's on mute.

Mr. Mahoney, you're on mute.

MR. MAHONEY: I got it. Sorry.

CHAIRMAN SANTORO: It's okay.

MR. MAHONEY: Chris, can you pull that up a little bigger so we can see those dimensions?

A. So we can see, from here, that the -- the base is the -- the same stone we're using on the building and in the top of this round logo which is similar to the building one, both in -- it's the same size as the -- the single logo on the front of the building and the top of that is at 8 feet, where the current sign is at 12 feet and this also is an internally-illuminated sign.

MR. STERN: So could you tell the Board what the ordinance provisions are? It's a non-illuminated sign. Could you go over those requirements with the Board?

MR. MAHONEY: Do you have -- Andy?

Hold on one second here.

MR. COLUCCO: Yeah. I believe it's a 6-foot height that's allowed.

MR. STERN: And 20 square feet. And what's the signage area?

MR. COLUCCO: 20 square feet. The proposed area is 19.6, I believe.

Pat?

MR. MAHONEY: Yeah, if it's measured round, it is. If it's measured where --

MR. FOSTER: 19 -- 19.6 on each face, though.

MR. COLUCCO: Correct.

MR. STERN: Each side, right.

And the -- the setback that is required is -- is that 10 feet and you're proposing the 2 feet, but then, you're saying that's preexisting?

MR. COLUCCO: Existing to remain, correct.

MR. STERN: Okay.
CHAIRMAN SANTORO: What was existing to remain? Say that again?

MR. COLUCCO: 2 feet.

CHAIRMAN SANTORO: What was 2 feet?

MR. COLUCCO: The setback.

CHAIRMAN SANTORO: Oh. The setback is 2 feet. Okay.

MR. CALLI: Yes. So we're -- we're -- we're maintaining that, and again, I'll -- I'll kick it back to our expert but -- but our goal here, Mr. Chairman and members, was: Modernization, upgrade, bringing this into the proper century here with a sign that was not tacky, not garish, but appropriate and correspond and communicate with the new building facade notwithstanding the interior illumination and the height of 8 feet, which is the disparate by 2 of 8. We are -- we think that this is, you know, an appropriate sign for many reasons, including just the overall aesthetic improvement for the site. Although, it -- it is a little bit taller, which we think actually could be brought down but location, maintaining that location is paramount to us. We do want to upgrade the sign to what you see here before you versus what you've got in the field today and that does bring with it some deviations.

CHAIRMAN SANTORO: Can we see what it looks like? Do you have an elevation of what it would look like in front of the building?

MR. CALLI: I don't know if we have the streetscape rendering of this monument sign detail. I'm not certain if anybody -- no. I'm seeing heads nodding. In don't think we rendered this on a detail, Mr. Chairman of what you would see from different distances and vantage points on the street. Certainly, something we could do if you were included to want to see that but we do not have that for you tonight; I'm sorry to say.

CHAIRMAN SANTORO: So it's -- and it's located where -- where on the property? I don't remember exactly. You know, is it in the center? Can you point to where it would be positioned, the monument sign?

MR. CALLI: I'm trying to show you right now with the cursor, Mr. Chairman.

CHAIRMAN SANTORO: Right there?

MR. CALLI: Right.

CHAIRMAN SANTORO: So it's kind of where the old sign was?

MR. CALLI: Exactly.

MR. STERN: Do -- do you have a -- a comparative side elevation of the existing sign? Is -- is the existing sign, approximately, the same signage area? We said the height was a little taller. Can you compare those two and -- and possibly provide us an elevation of the two side by side?

MR. COLUCCO: That's -- that's something we could prepare yes. What I will say is: The existing sign is about 25 square feet so that's an existing nonconformance we're reducing to 19.6, which is in conformance. The exiting sign height is 12 feet and we're reducing to 8 feet.

MR. RUSSO: There's a -- there's a photo of the sign in my review memorandum on Page 2.

MR. STERN: You think the medallion itself is, roughly, the diameter of what you're proposing right now?

MR. COLUCCO: Could you repeat that Mr. Stern?

MR. STERN: In the -- the photograph in Mr. Russo's memorandum, it shows the existing freestanding sign and you have that traditional "Burger King" medallion within a square frame. Is the medallion itself, roughly, the dimension of -- of --

diameter of what's being proposed right now for the monument sign?

MR. COLUCCO: It's similar. I don't have an exact number for you.

MR. RUSSO: It's close; it's close.

CHAIRMAN SANTORO: And I would suppose you -- and it sits up, what? About 3 feet off the ground? About how high up --

MR. STERN: It's about 6 feet.

MR. COLUCCO: 6 or 7 feet.

MR. RUSSO: About 6 or 7 feet off the ground.

CHAIRMAN SANTORO: Okay. But the medallion, the bottom of the medallion is about how high? That's about 3 feet off the ground or 4 feet off the ground?

MR. COLUCCO: On the proposed or existing?

CHAIRMAN SANTORO: Proposed.

MR. RUSSO: 3 feet.

CHAIRMAN SANTORO: So I would think it's got to stick up, at least, that much because you're going to have landscaping around the bottom of it, right? And -- because I know --
And every application is unique. Okay?

When we did the Investor’s Bank down the street, you know, they came in with a -- a big monument sign and they whittled it down a lot and it’s very low to the ground, and as I was even going by today and looking at it, it was maybe too low to the ground, to be honest with you, because it’s partially obscured just by the natural growth around it so I’m -- I think I’m okay. With -- with the size and the scale of this, to be honest with you. I don’t know how everybody else feels but I want to certainly hear Russell’s view on it from -- as a planner, but the Board reaction, I’m interested in the Board’s reaction to this.

MR. FITZSIMMONS: Joe, it’s -- it’s Tim. I’ll -- I’ll go first. I mean, like, aesthetically, it’s -- it’s certainly an improvement from what’s there and you can kind of see what there’s even better on a couple of the existing site pictures that are online and I agree. I mean, height, you can’t go much lower. If you look, there's -- you know, there -- there are -- there are shrubs. There are shrubs under the existing sign that's 12 feet high and it almost touches the bottom of the sign. I mean, bringing it down another 4 feet, I think the landscaping is nice to have there around the base so this height, just, I think, has to -- I mean this is kind of where it has to be for it to be visible and -- and you do want it to be visible because you don’t want people, sort of, not seeing it, not expecting it and slowing down and causing other issues on -- on Main Street as they -- as they abruptly slow down without seeing the sign so I’m okay with it.

CHAIRMAN SANTORO: Let's hear from some other Board members.

MR. FOSTER: This is -- this is Jim. As -- as much as I would prefer not to have things be illuminated since that’s what the ordinance says, I guess my reaction with the elimination of the other signage and with the consideration that, as you've you pointed out, Joe, if you were driving east on 124, the current sign can be difficult to see, I guess I could go along with the proposed monument sign because being illuminated, I think it eliminates or could eliminate a lot of the visibility issue you’ve pointed out with the existing sign, so you know, the illumination not to be desired but, in this case, it may be the best answer here.

CHAIRMAN SANTORO: Now, Roger, what do you think?

MR. PAETZELL: Okay. You got it now?

CHAIRMAN SANTORO: Okay.

MR. PAETZELL: Okay. I'm looking at the existing sign, which is, apparently, 6 feet off the ground or 7 and the bushes are already up to that. I -- I couldn’t see having any -- any shorter than 3 feet like the proposed plan is. I -- I think you're going to have to get those bushes trimmed up pretty well and just -- in order to see the new proposed sign so I -- I certainly think it’s acceptable to me the way it’s proposed.

CHAIRMAN SANTORO: And -- and this would -- by the way, this would be a little bit closer, then, to the street than this existing sign, is that right, or is it the exact same location?

MR. COLUCCO: No, it’s the same setback, same 2-foot setback.

MR. STERN: But the -- where would that 2-foot setback start from? The very -- closest edge of the stonework on the monument portion of the sign?

MR. COLUCCO: Well, yes. It would be, yes.
it's possible. I don't believe our sign people have ever done one, but again, the same kind of principle I think I mentioned with the -- with the red band. There's no reason a film couldn't be put over this from the inside if that was the case so I think the answer is yes. It could be -- but it could be done.

MR. STERN: Okay. If it -- if it was that bright to be a hazard.

MR. MAHONEY: Yes.

MR. STERN: And in your mind, there's no -- there's no alternative setting it back any further, whether it's 5 feet, just seems counterproductive for this application?

MR. CALLI: I could speak to that, Russell.

It's -- the applicant would rather maintain the existing sign with that visual rather than propose this wonderfully-looking new sign at a further setback. They think that that is -- is much more critical at the location, so again, we're just maintaining existing, setting it back further as far as a visual standpoint, our traffic engineer could speak to that as far as the impact for motorists and -- and the like and leaving a parking space, but just from a -- a position standpoint on behalf of ownership, the

location is critical to them and maintaining that is paramount, so if this sign could not be located there, I think what we -- what we'd be seeing in perpetuity or, at least, for the foreseeable future would be what you have out there today, which is certainly not this, and I think the opinion of most.

MR. STERN: Question: Since the signs been there so long, are the flood lights functioning? Are they skewed out towards approaching traffic? That tends to be what happens with ground-mounted lights.

MR. CALLI: It's an imperfect scenario. I can't speak to what's happening in the field perhaps one of our experts can but that's sort of made to fail with time.


CHAIRMAN SANTORO: I'll tell you; I want to move this along. I'll -- I'll -- I'll tell you how I feel. I -- I feel like, on the overall signage, that the applicant has made some significant amendments to its proposal, you know, withdrawing the illumination on the -- the strip that goes around the top of the building, removing, I think, two of the logos, right, have been removed? You've got one on the front, which you need, and then, I you have to -- I think you need a monument sign, a modern monument sign, and this, I think, very attractive design, I can't really see making it smaller or moving it anywhere else because, then, you won't see the building and I still -- I still think the stone is a very nice design element and it would cover it so quickly with landscaping.

CHAIRMAN SANTORO: So I don't have -- is -- is any members of the Board opposed to the design here or want to throw in an idea or critique?

MS. DeROSA: I wouldn't say that I'm opposed to it but I do have misgivings about the illuminated sign. I -- I don't feel like that -- I'm not -- I'm not convinced that's the way the Madison streetscape should look.

CHAIRMAN SANTORO: Anybody else?

MS. DeROSA: I'd like to mention that I'm not opposed. I -- I also feel they've tried hard to bring it down to bring attention to Burger King but not overly-excessive in view of the fact it's already, you know, lower than the previous one and the other improvements that are made to the design and what have you.

But I do like the idea of the dimmable lights if that is a possible because, right now, we don't really know and I think -- I think it should be, you know, a serious consideration by condition because I don't -- I don't think -- I think, leaving it to the police department, for safety reasons, that's important but I think we're looking beyond just the safety. We're looking at how does this fit the streetscape and I think that's what Helen is trying to do, bring it down a little bit. The only way I think it can be brought down is with having dimmable lights but not eliminating the lights because you do need to have the motorist, as they're driving along, have that catch so that you can see that this is -- this is the Burger King that they're approaching so we can't take -- we -- we shouldn't take that away from the business. You know, it's been a business that's been there a long time and -- and they are trying hard to meet our -- our ordinances and our demands.

So that's where I stand.
that's insightful. I appreciate what you've just said.

You know, I've been wrestling with this myself in that I sometimes drive past places in Chatham where they only have -- they don't have any illuminated signs and a great example would be the Hickory Tree Plaza. Unless you live right there and drive in there all the time, you wouldn't even know what's in there because nothing is lit --

MS. DeROSA: Yeah.

CHAIRMAN SANTORO: -- and even if you go in there, you may not even know what -- everything that's in there so I think it doesn't -- to some degree, some sign ordinances, they make them so small and they're so -- such a lack of illumination that it does a disservice to the vendors, the public and -- and the town. They take it too far so I -- I know one thing I'm going to suggest, being on the Stearing Committee for our Master Plan, is to maybe do a study and maybe our ordinances need to evolve a little bit along those lines and as we -- I just want to throw this in: As -- as I've gone up and down, I know Russell has and really studied the signage on -- on that side of town, the eastern side of town is -- there are some real outliers there that I can't -- I can't figure out how they even got there and it must have been maybe predated the ordinances so there's some back stuff there but there's a lot of other modest things and I felt like what we -- what we need to do here is try and be reasonable and try to come up with something that works for the -- for the borough and the neighbors as well as the applicant and not be so stringent on this that it makes life difficult for them and everybody else.

MS. SALKO: Yeah. Mary Sue, you want to throw something out there?

MS. SALKO: Just I align to all the remarks that have been said and I can kind of weigh both thinking. I mean, it is attractive. I don't think it's garish, in any way, and you know, the considerations around being dimmable, I think that's a -- that's a great thing. I think the applicant is working with us on that.

You know, just a personal remark, when you're going to the Starbucks that sits you know prior to this site, it doesn't have a sign on the -- on the front lawn there. It's just on the building, and so many times, I'll be following a car there, and all of the sudden, they'll pull into the parking lot because there's nothing really to, you know, draw their attention that Starbucks is there and they -- you know, they're just haphazardly passing by it so I think for just a safety reason I think that this sign is just is very good as well.

MS. DeROSA: But I do have -- one question. The stonework at the bottom of the monument, how far up does that go?

(No response)

MS. DeROSA: Could that question be heard?

MR. MAHONEY: Yeah. It looks like 5 feet.

MR. STERN: Yeah. It's about 2 and a half.

MS. DeROSA: 5 feet 4. Okay.

MR. STERN: Yeah. It's about 2 and a half feet from -- to the bottom of the medallion.

MS. DeROSA: Okay. Thank you.

CHAIRMAN SANTORO: So I -- I think, if the Board -- if the Board, I hear a consensus here, it would make sense that people are in favor of this, if -- if we can have a condition that it is dimmable and, if, at some point until the future, the applicant was asked to dim it, they would do that? Is that kind of attention that Starbucks is there and they -- you know, they're just haphazardly passing by it so I think for just a safety reason I think that this sign is just is very good as well.

MR. MAHONEY: Yeah. I'm just trying to decide -- understand who would make that decision and
what would trigger it.
CHAIRMAN SANTORO: I was thinking the
engineer, the town engineer, but who knows? Because
they have to be able to evaluate whether it’s been done
or not.

MR. HALL: Well, you’re -- you’re not
contemplating anything coming back to this Board; is
that correct?

CHAIRMAN SANTORO: No.

MR. HALL: Okay.

CHAIRMAN SANTORO: Only if they wanted to
change the condition but no.

MR. HALL: I guess anybody could always
ask the Borough engineer to take a look at it; is that
-- I’m sorry.

Larry?

MR. CALLI: I’m just saying, my Thursdays
are pretty open, Mr. Chairman. I’m glad to come back
to this Board any time you want to have me.

(Laughter)

MR. HALL: It might be different people
next year. Who knows but I’m trying to avoid that. I
don’t know if you want that but...

MR. CALLI: Then, make it administrative,
Gary; administrative is better.

-- I don’t think any Borough engineer or Zoning Officer
would be out there every month them to change it. I
think it should just be ongoing and I don’t think --

MR. HALL: Well, I was just starting --
suggesting a time period before it started.

MR. STERN: Let’s say four months.

MR. HALL: Yeah. Not -- yeah. Not
before within -- anytime four months and after and more
than once is what you’re suggesting.

MR. STERN: And as -- as needed.

MR. HALL: Yeah -- no. We can leave that
open.

MR. STERN: Okay. But you know, the
concern is, yeah, it’s a -- it’s a 2-foot setback from
the roadway. It’s, you know, not suburbia and I think
this is -- this is a good condition associated with it
-- with it.

MR. HALL: Yeah. Well, that’s fine and
that’s fine.

CHAIRMAN SANTORO: So, Russell, on the
whole, you’ve heard the Board speak, as a planner, and
you’re -- you’re an expert in this so it -- does it
sound like good -- good position we -- we’ve--

MR. STERN: I think -- I think the Board
is going in a -- in a good direction on this but we

-- I don’t think any Borough engineer or Zoning Officer
would be out there every month them to change it. I
think it should just be ongoing and I don’t think --

MR. HALL: Well, I was just starting --
suggesting a time period before it started.

MR. STERN: Let’s say four months.

MR. HALL: Yeah. Not -- yeah. Not
before within -- anytime four months and after and more
than once is what you’re suggesting.

MR. STERN: And as -- as needed.

MR. HALL: Yeah -- no. We can leave that
open.

MR. STERN: Okay. But you know, the
concern is, yeah, it’s a -- it’s a 2-foot setback from
the roadway. It’s, you know, not suburbia and I think
this is -- this is a good condition associated with it
-- with it.

MR. HALL: Yeah. Well, that’s fine and
that’s fine.

CHAIRMAN SANTORO: So, Russell, on the
whole, you’ve heard the Board speak, as a planner, and
you’re -- you’re an expert in this so it -- does it
sound like good -- good position we -- we’ve--

MR. STERN: I think -- I think the Board
is going in a -- in a good direction on this but we

still need to also hear the monument sign variance in
context, now, to the wall sign proposal.

CHAIRMAN SANTORO: Monument so explain
that exactly?

MR. STERN: There is a proposal, also,
for the wall sign. If the applicant can, go over, in a
little more detail, the wall sign proposal?

CHAIRMAN SANTORO: So this is the -- this
is the medallion on the front of the building?

MR. STERN: Yeah. Medallion on the front
of the building.

CHAIRMAN SANTORO: Okay. Was that the
same size?

MS. KAAR: Yeah. Yes. 5 feet.

MR. STERN: Bricked.

CHAIRMAN SANTORO: Do we -- do we -- do
we feel like that should be different? I just assumed
it would be the same.

MR. CALLI: Pat, if you could, briefly,
give the Board as sense as to the -- the appropriate
size of that sign to scale of that the wall that it’s
on, the facade it’s on. That -- that might help the
Board understand where we arrived at the size that we
did for that sign on the wall.

MR. STERN: And also -- also the distance
from the freestanding sign.

MR. MAHONEY: R.J., maybe you can give me
-- pull up the site and make an estimate of what that
distance difference is.

But while we get the elevation, so
especially, we -- we've got a fairly large filed of
stone, essentially, almost 10 feet wide and a little
higher, so to have 5-foot radius in there, it takes up
in the range of about 15 percent of that area, which we
think is wise -- aesthetically is a good -- a good
feel.

We do use logos, occasionally, that are
larger than this but the -- and sometimes we use
smaller ones. When -- the problem we have with the
smaller ones, is that, at -- at a certain size, they
just don't -- don't seem to function terribly well
identifying the building so...

MR. STERN: So the standard, the -- the
D3 variance that's needed for this sign, it's under 30
square feet. Is that -- is that at the 19.6 square
feet?

MR. MAHONEY: Yeah. I'm going to pull it
up here.

MR. HALL: That's what the monument sign
says.

MR. HALL: Okay. I don't have that. I
have up in the chart. It's a 1 and a half square feet
per linear foot or something.

MR. STERN: In my mind, you know, in the
-- so this a standard specifically in the traditional
use of the drive-through restaurants. Once you go to
that -- that table then, you're confused.

MR. STERN: That allows internally-
illuminated signs, the table does, because it
references the CBD zone.

MR. MAHONEY: And you have -- going up and
down Main Street, you have a mix of -- of uses with
internally-illuminated signs with ground-mounted
floodlights illuminating the facade signs and, also,
overhead lights attached to the -- to the building
wall.

Mavis, located next door, has an
illuminated pylon, has an illuminated wall sign
internally-illuminated. I can't recall Starbucks, but
if you go all the way down to Dunkin' Donuts, the wall
sign is non-illuminated but it's illuminated by
overhead, kind of, like, cane lights and it has an
illuminated pylon sign. Signage illumination and size
is just, really -- is across the board within the CC
zone.
108  MR. STERN: Yeah. I think something for
2 the applicant to -- to talk about, maybe for the Board
3 to discuss is: Since signage is -- is across the board
4 here along -- along Main Street, you know, can this be
5 addressed in another manner? Can it be addressed by
6 overhead -- an overhead type of wall light that comes
7 out and illuminates the medallion? I -- I would say
8 ground-mounted lights would be ruled out. Is there
9 another type of sign? And I only really bring this up
10 is because of the -- the distance that this sign is
11 from the illuminated monument medallion. They're -- I
12 think they're, like, 30 feet away.
13
14 MR. CALLI: We'll get to that. That's
certainly part of our direct testimony. You beat us to
it on the discussion. Mr. McDonough is going to
testify as to the variances and this button sign is
what's proposed. We're not proposing to reinvent the
sign from scratch. This is the proposed sign. It's
been designed by an architect. It communicates with
the building. It's part of Burger King's program.
It's appropriately sized and scaled and Mr. McDonough
will speak to the variances but at this -- you know,
august 10.00 at night, to suggest, is there another
kind of sign? I -- I -- I understand your effort,
Russell, but the short answer, for the sake of brevity,

109  is no. What's being proposed is what you have and we
1 think that the justifications are.
2 Recall, we walked into this Board with
three of those signs with a very straight base, not
thinking that we were going to give them up. That
wasn't part of a game play. This is the program of
Burger King that they're rolling out and this is part
of our site betterment that we are trying to do here.
We've tailored it down tremendously to this one sign on
the building, one.

110  CHAIRMAN SANTORO: I'm not sure -- I'm
doubt that I would like to see it other than what
you've proposed. I like -- I like the medallion. I
think it's modern-looking with the facade and I'm not
-- I'm not convinced that having externally lit would
really fit this so well. I -- I --

111  MR. CALLI: I -- I agree, Mr. Chairman.
I, unlike you, I -- I don't get a vote and I'm not an
expert but I -- I do agree with that and Mr. McDonough
will speak to that further and we'll -- we'll go
through the proofs because the proposal is a deviation
for the internal illumination and -- and we have to
explain it to the Board to your satisfaction and that's
exactly what we intend to do shortly if we get there
this evening.

110  MR. HALL: What -- what about the same
dimmable condition we just talked about for the
monument sign? We have the same thing for both? I
mean -- does that solve the problem or no?

111  MR. CALLI: I don't see -- I don't see
why we couldn't do that from our end, as the applicant,

112  Gary.

113  MR. HALL: Yeah. I'm just throwing it
out. They're both similar signs, and if -- and I
assume they're going to be the same illumination if --

114  you know? I don't know. I just throw that out as a
compromise or a suggestion.

115  MR. CALLI: You know what? If the
illumination levels don't match, it looks like were a
few bulbs short and we haven't done our, you know,
repair work in the field, right? So, yeah. That's --
that's a good point. They -- they need to sort of look
alike in many ways including, I guess, the -- the
illumination intensity.

116  MR. RUSSO: Yeah. I just assume we were
going to do it on both.

117  MR. CALLI: Right.

118  CHAIRMAN SANTORO: Say that again, Gary?

119  MR. HALL: Weren't they going up and down
illuminating the brick above and below?

120  CHAIRMAN SANTORO: No. What I was
talking about is where you place your order. It was
the sheet -- on one of the sheets in the pack as -- you
know, where you place your order?

121  CHAIRMAN SANTORO: And you've got some
lights on there. I just wanted to ask a question about that.

I don't know if there's a page number, 9 of 16 in this pack we have with all the lighting. So when you -- when you drive your car up and you stop to give your order, there -- you're -- you're under a -- a small canopy, right?

MR. MAHONEY: Yeah. Chris, can you pull it up, that detail?

MR. COLUCCO: I have it. I can pull it up.

CHAIRMAN SANTORO: Because, I guess there's some down lighting there. I just wanted to ask a question as to what that is, if -- if there's any reason to be concerned about that at all.

MR. COLUCCO: Down lighting is -- is strictly just to illuminate that area. There aren't any freestanding lights in that area. It's just for security purposes, really, and to illuminate the area.

CHAIRMAN SANTORO: And is there, like, one of those big ordering boards? That's out there too. That's on Page 15.

MR. COLUCCO: That would be the menu board, yes.

CHAIRMAN SANTORO: Okay. Any reason to --

MR. FOSTER: Can you describe where the ordering board is compared to the canopy that Joe has just gone over? It has to be next to each other but I can't really see.

MR. COLUCCO: Yeah. You have your menu board here and your order confirmation unit here.

MR. FOSTER: Okay. Thanks.

MR. STERN: And your clearance bar, could you just point that out for everybody?

MR. COLUCCO: Clearance bar is here.

MR. STERN: Okay.

CHAIRMAN SANTORO: Okay. That's all I had. I just wanted to ask about that.

What do we need to cover next?

MR. CALLI: If we're going to our next witness Mr. Chairman, we were hoping to go, briefly, to our traffic engineer and, then, to Mr. McDonough if the night permits, at your pleasure.

CHAIRMAN SANTORO: All right.

Well, is there any questions from the Board, last questions for Mr. Mahoney?

MR. HALL: I'm sorry. One quick procedural question: The drawings we've been looking at, they have the logo of "Federal Heath" and I'm assume that that's a sign builder and Mr. Mahoney worked with them or you know? His name isn't on those drawings. That's why I'm asking, just so I understand the tie-in here.

And we had two sets of -- of sign drawings. That confused me also. That -- other ones by Murdoch Engineering that we haven't even talked about. I don't know -- oh. That's Federal Heath also.

Mr. Mahoney, do you understand my question?

MR. MAHONEY: I do. Federal Heath is the manufacturer of the signs --

MR. HALL: Right.

MR. MAHONEY: -- so we work with them and whatnot so they're -- they're one of the authorized manufacturers for Burger King so they've -- they've done it at our -- our direction.

MR. HALL: Okay. I just wanted to make sure that there's no other professional, that you told them what to -- or not "told them" what to do but you worked with them.

MR. MAHONEY: Only certain manufacturers have the right to make the trademarked images for Burger King Corporation so they're -- they're the one we selected.

MR. HALL: That's fine. I just wanted to close that loop. Thank you.

MR. FOSTER: Mr. Mahoney, are you going to address the roof or is somebody else going to address the roof?

MR. MAHONEY: The -- the -- so currently, the -- there are parapets on the roof that screen most of the type of rooftop units but the type of rooftop unit on there has something called a "transfer curb" so it -- it makes the -- the units a little taller than the -- than they could be if they were -- if there wasn't such a transfer. Essentially, they -- they were replaced with something that didn't match and that's the thing.

So we tend to raise the parapets 1 foot 9 inches, from what they are currently so there is no view of any rooftop equipment from any -- any point on the -- on the perimeter of the building.
MR. FOSTER: So -- so you'll -- you'll leave the setback for all the way around, then?

MR. MAHONEY: Yeah. That's -- that's reflected currently on the elevations. That's what those elevations show. They are 1 foot 9 higher than what is there currently so the stone elements are 3 foot higher than that but that's more of a decorative thing, really, not -- not needed for any kind of screening.

MR. FOSTER: Okay. And the -- the -- the ordinances also prohibit flat roofs in the CC zone.

MR. MAHONEY: Yeah. Since you -- with the amount of equipment, we have four rooftop units, a roof hatch, venting, two exhaust fans for equipment and as well as ones for the -- the -- the restrooms.

There's -- there's, really, not a practical way for us to get that much equipment on a -- on a gable roof or a sloped roof so it's a -- it a fairly crowded roof and the -- and the ordinance, I think, talks about some elements like -- like, you know, mansard type elements and things like that to -- to soften the flatness of the roof. Obviously, what is there now is a -- is a quasi-mansard roof.

MR. FOSTER: Have you considered any, kind of, elements like that would both meet the kind of, elements like that that would both meet the kind of ordinance but not dramatically change in the nature of how your roof operated?

MR. MAHONEY: Well, personally, because we are trying to conform, we've eliminated the mansards that are hung off the building but we tried to -- to give --

MS. KAAR: I'm having trouble hearing.

He's dropping out.

MR. HALL: You've got a screen freeze; it looks like.

MR. MAHONEY: -- the variation that the stone elements 3 feet high for visual interest;

likewise, the awning that go around the building are there both to give some interest in light and shadow as -- as well as just --

MR. FOSTER: Unfortunately, we really can't hear you. You're breaking up.

MR. MAHONEY: -- some relief from a long, straight wall so not using a mansard; I'm saying.

MR. CALLI: Pat, everything you just said, can you say that again for Mr. Foster. We -- we lost you for about 90 seconds.

I don't know. Mr. Foster, it made sense to me. I'm not sure if you got all that.

I'm sorry. Pat, we had a very bad reception on your end and it -- it was quite broken up.

Can you give us the condensed version of explaining how it's hard to work those details into your current design and -- and where you tried and where it just can't happen?

MR. MAHONEY: So we -- we heard the rooftop equipment part but not the -- the -- the variation in height when we look at the building part; is that what we're saying?

MR. FOSTER: Basically, yes.

MR. MAHONEY: Okay. So -- so essentially, what I said is that, we're taking off a 1970s-style mansard in order to -- to give a more modern and updated look to the building, and in order not to give a uniform look to it and to give it some visual interest, that's the reason the stone towers, periodically, raise 3 feet around the building to punctuate and give it some variation.

Also, with the -- the walls, there are stainless steel canopies over all the windows and doors and those give some variation in shadowing as well as conceal some of the lighting that -- that does wash those same walls.

MR. HALL: And did you say you'd have a higher parapet to hide, at least, partially, the mechanicals on the roof?

MR. MAHONEY: Yes. Currently, if you look at the building from the middle of the street, you can see, at least, one of those rooftop units that probably will be a little lower when it's replaced, but regardless, we're raising the parapet, the lowest parapet, 1 foot 9 inches to ensure that no rooftop equipment is visible from any point on the perimeter of the building either from the street side, the residential side, anywhere.

MR. FOSTER: Okay. I'm not sure if I -- if I don't know how to read the drawings as well but I did not see it on the drawings. Is that evident in the drawings you submitted or is that something you can amend when you're submitting the site plan documents?

MR. MAHONEY: It's on the drawings we're looking at right now. In fact, dotted-in is the roof line and the height of the rooftop equipment which Chris can zoom in on it so it does show where -- where
1 those things are now below the top of that red band.
2 MR. FOSTER: Okay. Yeah. I didn't -- I
didn't have these elevation details. I was looking at
the drawings showing roof details and plans.
3 MR. MAHONEY: Yeah. I don't think you'd
really see it well on that. It -- it shows best on the
4 elevations. I think we put numbers on the -- on the
5 roof plans but I think it's easier shown on the
6 elevations.
7 CHAIRMAN SANTORO: Any more questions?
8 MR. STERN: Are you putting down any
9 odor-reductions devices on the exhaust on your grilling
10 and frying and exhaust?
11 MR. MAHONEY: Yeah. I don't believe we
12 have it -- the standard in there. I don't believe
13 it's -- it is on those fryers or exhaust fans
14 currently. I think it's the -- essentially, the same
15 equipment that is there now.
16 MR. STERN: I've had an experience with,
17 at least, one fast food place where it -- it really
18 needed to be mandated because sometimes it would be
19 like a -- a cloud of smoke almost. You could just
20 feel -- you could just feel the grease being emitted.
21 Is there a minimum standard that's applied to these to
22 the exhaust systems since you back up to a residential
23 district?
24 MR. MAHONEY: Typically, there isn't.
25 Typically, that is not used so I wouldn't say it is a
26 standard. I think sometimes, in highly-urban locations
27 where they are residential windows within 20 feet of an
28 exhaust fan, I've seen it used but not typically.
29 MR. CALLI: And again, there's no changes
30 to operations or user. It's -- it is the same Burger
31 King it is today with the same equipment today and
32 services and food today so...
33 MR. STERN: Okay.
34 CHAIRMAN SANTORO: Any other questions
35 for the Board? Because I want to go to the public.
36 (No response)
37 CHAIRMAN SANTORO: Bob, is there any
38 hands raised for the public?
39 Any member of the public want to ask a
40 question of this witness?
41 BOB: No hands raised.
42 CHAIRMAN SANTORO: Perfect. Thank you.
43 Let's move to traffic then and we'll move it along
44 quickly if we can?
45 MR. CALLI: Very good, Mr. Chairman. Our
46 traffic witness, Mr. Corey Chase.

1 C O R E Y   C H A S E, first having been duly sworn,
2 testified as follows:
3 VOIR DIRE EXAMINATION BY MR. CALLI:
4 Q. Corey, briefly, for the Board, the
5 benefit of your background and credentials?
6 A. Certainly.
7 Corey Chase, from Dynamic Traffic,
8 licensed professional engineer in the State of New
9 Jersey, license is currently in good standing. I
10 haven't had the pleasure of testifying before the
11 borough before but I have testified in Morristown and
12 Chatham, Millburn, New Providence, Berkley Heights.
13 CHAIRMAN SANTORO: We'll accept him.
14 MR. CALLI: Thank you, Mr. Chairman.
15 DIRECT EXAMINATION BY MR. CALLI:
16 Q. So Corey, you -- you've heard all the
17 testimony this evening. You've become familiar with
18 all the plans prepared by your partners at Dynamic
19 Engineering. You know the operations of what's
20 existing here and all the proposed site changes; is
21 that correct?
22 A. I do, yes.
23 Q. You've had an opportunity to review the
24 site and prepare an analysis based upon what you
25 anticipate the issues being or not being if the site is
26 improved as proposed, right?
27 A. That's correct.
28 Q. And if you would, briefly, Corey, please
29 take the Board through the benefit of your analysis and
30 your conclusions.
31 A. Certainly.
32 We prepared a letter that was dated April
33 17, 2020 that was previously submitted to the Board
34 entitled “Circulation and Parking Assessment.” Our
35 primary role in the application was to consult with Mr.
36 Colucco as well as the applicant to evaluate the
37 modernization of the site and, specifically, the
38 implementation of the dual drive-through lanes.
39 Classically, the drive-through usage used
40 to be around 40 or 50 percent for most fast food uses.
41 There's been an uptick in recent years to as much as 60
42 to 70 percent of the drive-through volume, and through
43 various efficiency studies, what they found was that --
44 is that the -- the real lack of efficiency was the
45 actually ordering point. It wasn't in the food
46 preparation; it wasn't in the pick-up or pay windows.
47 It was actually the order point and that was really the
48 bottleneck for the drive-through system so what you
49 would see is you would see a backup from the order
50 point beyond, and then, there'd be a gap in the vehicle
queue until you get to the pick-up and pay windows.

So with the advent of the dual drive-through system it allows them to take two orders at once and allows those vehicles to process more efficiently through the system and fill in those gaps. Each order is tracked so if one lane is taking longer than the other, the other lane can still continue to process other vehicles.

In addition to increasing the efficiency, we're increasing the vehicle stacking. The current drive-through system on site can stack only six vehicles; whereas, the proposed system can stack nine vehicles so increasing both the efficiency as well as the stacking capabilities on site and what that'll do is it'll also help to reduce parking demand on site. Typically, when the drive-through queues are extended up to the exit of the drive-through lane, you'll find that customers will actually just park and walk in rather than sit and wait in the drive-through line.

So overall, we anticipate a reduction in parking on site. I know that some questions raised by the Board were concerning personally reducing some of the parking that's provided and I believe Mr. Calli indicated that we're amenable to reduce the parking supply by an additional three spaces, which would reduce the overall impervious coverage calculation as well so that would lead us to a total of 34 spaces proposed on site; whereas, 39 spaces currently exist.

Based on our observations, a typical fast food restaurant, the 34 spaces would be more than enough to accommodate the demand for a restaurant of this size. As Mr. Coluccio mentioned, we are maintaining the existing ingress-only driveway and egress-only driveway along Main Street, which is known as Route 124 and is under NJDOT jurisdiction.

We did receive a letter of no interest from the New Jersey Department of Transportation dated May 28, 2020, which indicates that no additional permitting is required for the improvements proposed on site. Overall, we think it's, generally, an improvement in the circulation on site as well as the drive-through operations which will help the site function more efficiently and more adequately that it does today.

I'd be happy to answer any questions that the Board has, that Mr. Stern or Mr. Russo have.

CHAIRMAN SANTORO: I want to ask a question first.

MR. STERN: Well, now that I've un-muted myself, Title 39, the applicant would have to petition the governing body to accept Title 39 enforcement of their site. I don't know that the borough has accepted, but you know, you could always make it a condition that they petition the governing body for Title 39 enforcement.

As for left turns, there's nothing on -- there are no ordinance requirements for no left turns that I'm aware of but it's just a -- up and down Main Street, it's just -- through the police department, it's always been our recommendation, just because of the -- it is -- it is the state highway not to have left turns and, since there's already one there, I don't -- I don't see why we wouldn't maintain the no left turn.

Mr. Chase, have you had an opportunity to review Mr. Maltz's traffic review of July 22nd?

MR. STERN: There are a number of recommendations on the third page. Does -- do you or the applicant have any objections to any of those recommendations?
MR. CHASE: We don't take any issue with the striping recommendations that Mr. Maltz has in his July 22nd letter.

MR. STERN: So you're going to be providing hairpin striping?

MR. CHASE: If that's the desire of the borough to provide hairpin striping, we can certainly accommodate that. As Mr. Colucco mentioned, we are proposing to mill and overlay the parking lot, so if the hairpin striping is desired, hairpin striping can be provided.

MR. STERN: Right. That's an ordinance requirement so if you are going to comply with the ordinance, that would be wonderful.

MR. CHASE: We will, yes.

MR. RUSSO: Okay.

Comment Number 4, Mr. Maltz's review deals with, you know, what have the queue lengths of the driveway through been previously and what you anticipate them to be with the additional drive-through lane.

MR. CHASE: Unfortunately, just given the time of the application and the onset of the pandemic, getting an accurate queue count for the existing restaurant wasn't really feasible. Obviously, the restaurant was closed for a period of time, and then, drive-through operations opened but no indoor operations were open, so given my experience on similar developments, as I mentioned, that both the increase in stacking and the increase in efficiency of the drive-through will substantially reduce any queuing problems that may have existed prior to this being implemented.

MR. RUSSO: Is it your opinion, your professional opinion, that the proposed additional drive-through lane provides safe and efficient traffic movements through the site.

MR. CHASE: Yes. It is.

MR. RUSSO: I have no more questions, Mr. Chairman.

CHAIRMAN SANTORO: I have none.

About the Board?

MR. FOSTER: Mr. Chase, I've a couple. If you look at the west side of the parking area, you know, a couple of us expressed concern about both the potential choke points in terms of people coming around the drive-through area, both coming in and coming out, and you've talked about taking a couple of parking spaces out of the east side.

MR. CHASE: If it's the Board's pleasure to -- to relocates that landscape down further back, you -- we can certainly do that. You know, my initial thought on the overall site circulation is that the -- the aisle width is 21 feet. It narrows down as you go around to 18. That's more than adequate to accommodate one-way circulation, even through the -- the bypass area of the drive-through, but again, if -- if it's the Board's preference that this landscaping island be shifted south to open this up and create less of a visual impediment, you know, we can certainly do that.

MR. FOSTER: My sense, I think, is that would be a big improvement. I don't know how other people think about that.

MR. CHASE: Certainly, we could slide it back so the lines would create a visual queue to the parking to the rear, to the -- yeah -- to the perpendicular parking.

MR. FOSTER: Yeah. That was kind of my thinking, and again, this is -- this is -- it -- it's primarily a safety issue, but also, the ordinance does specifically say we have to make sure that the drive-through doesn't cause any circulation problems.

MR. CHASE: Understood. And again, if -- if that's the Board's pleasure, it -- it can certainly be accomplished within the modified setback.

CHAIRMAN SANTORO: How does anybody else feel about it?

MR. PAETZELL: Same way. I looked at the plans. Initially, I thought it looked like a little choke point there so I agree. I think it would be better off moving a little bit and down maybe two spaces.

CHAIRMAN SANTORO: Right.

How about -- how about that from the applicant? Are you -- are you good with that?

MR. CALLI: We are, Mr. Chairman.

CHAIRMAN SANTORO: Okay. Let me ask another question then in terms of safety.
You know, you -- you mentioned very early on in the application that you were eliminating the side door and I suppose -- I think it was for control purposes. I don’t know if that’s a crime kind of thing or you can see what’s going on but would it be a little bit safer for pedestrians to be able to enter the side door instead having to walk all the way and come around? I don’t know, Russell?

MR. RUSSO: I think Russ got cut off.

CHAIRMAN SANTORO: Uh-oh.

MR. RUSSO: I don’t see him on the Brady Bunch screen here.

CHAIRMAN SANTORO: Let me see if he’s texting me here.

MR. RUSSO: Yeah. He texted me that he got cut off. He got disconnected.

CHAIRMAN SANTORO: All right. Well, give him a second. I’ll send him a text right now.

MR. HALL: I have a different question on the opposite side. The testimony was and I didn’t understand about using the second window if there was a backup. There’s something about, if one window got delayed, you could use the other one. What was -- could you clarify that?

MR. CHASE: Sure. In the -- the overall efficiency of the drive-through system was evaluated, it was determined that the order point was really the source of the backups, typically, in the drive-through queues so adding the second order point, if one is take longer than the other, the -- the other order point can still process vehicles. The Burger King has an internal system that tracks the orders so they can keep processing cars through one order point if one is taking longer.

MR. HALL: Okay.

Now, then, the question is: The little addition canopy in the back corner of the building, what’s that for? I looked at the floor plan. Is that a potential second pay window? What is that?

MR. CHASE: Yeah. That’s a new -- a new pay window, yes.

MR. HALL: Potential or what is it? In the floor plan, it looks like a register but it doesn’t show the other stuff that’s in the front one.

MR. CHASE: I would defer -- I believe the first window is going to be the window closest to Main Street will be --

MR. HALL: Yeah, yeah, yeah.

MR. CHASE: -- and the --

MR. HALL: That’s where it is now, I -- I believe, yeah.

MR. MAHONEY: This is Pat Mahoney. The first window, the additional window, is -- in high-volume times, can be used to take payment and it -- it does not dispense food so the -- all the food comes out the existing window and that’s why there’s equipment there.

MR. HALL: Yeah. I’ve encountered that in some places. Okay. So that explains the floor plan but is that -- that’s intended for high-volume periods, you said?

MR. MAHONEY: Yeah. The low-volume period, it might not be used.

MR. HALL: Okay. The second question is related.

At the food window, at some places I’ve seen where, if you have an unusual order, they don’t have it. They say “Pull up and we’ll bring it out to you.” Do you know what I’m talking about?

MR. MAHONEY: I have seen that.

MR. HALL: They say “Move up and get out of the way and someone will bring your food out.” Do you know what I’m talking about?

MR. MAHONEY: I do and -- and I think, in an unusual time, the -- that could be done. Typically, that’s -- we’d prefer not to do that so we’d prefer to have the operation run smoothly.

MR. HALL: Yeah. I’m just wondering about, under that scenario, where the car would go. That’s my question. Sometime they have an actual space there and it’s kind of tight here. Maybe that’s not changing anything but I just, while you’re redesigning, if that was considered. That’s my question.

MR. MAHONEY: There really isn’t a possibility, on this site, to put spaces closer to the street and moving that window further to the back equally disrupts the function of the -- the efficiency of the operation so we didn’t really think that the pick-up spaces like that were very practical here.

MR. HALL: Okay. I was just asking.

CHAIRMAN SANTORO: Can we go back to -- back to my question?

Russell, did you hear my question before?

MR. STERN: No, I did not. I was cut off at that point.

CHAIRMAN SANTORO: Oh. We were talking about safety and flow and I pointed out in the beginning of the application that they had mentioned
they weren’t going to have a side door, that all the --
the entrance would be in the front. Do -- do you think
it makes sense to have that side door there?

MR. STERN: I mean, I’ve heard the -- I
think it was maybe the architect’s testimony or -- or
even the overview by the Board by the applicant’s
attorney regarding a security concern but I -- I -- I
am concerned now that more people are walking a further
distance on a sidewalk that’s level with the traffic
aisle entering this site and they have to talk all the
way up to that front entrance so because I’m posing
this question to the traffic engineer, is this a safe
situation? Are you comfortable as the design -- as a
traffic engineer on this?

MR. CHASE: I am comfort with the
pedestrian circulation as proposed. There’s a
dedicated 5-foot walkway that’s proposed in the front
of the building. It’s more than adequate to
accommodate pedestrian traffic associated with a
development like this.

MR. STERN: You know, that and -- and
security are, you know, aspects to support what they’re
proposing. I -- I could only say that I -- I’m
familiar with the current arrangement. It just -- it
makes sense to have that side entryway. It’s just a --

address it.

MR. CHASE: I can’t speak to the reason
for the elimination. The rear door, again, I can just
echo my testimony that we are providing, you know,
dedicated 5-foot-wide pedestrian circulation path to
provide safe and efficient for pedestrians to the main
entrance to the building.

I’m sure Mr. Mahoney can elaborate as to
the illumination of the rear and why it was eliminated.

MR. MAHONEY: The -- the rear door was
eliminated, as I had mentioned, so that the front
counter can have visual surveillance over the entrances
of the building.

Historically, there have been issues in
areas, particularly around the doors, where -- where
they don’t have access visually -- direct access
visually around the corner from the front -- the front
counter so that’s -- operationally, that’s a request we
have almost uniformly to -- to try to give them that so
that it minimizes the problems within the restaurant.

MS. KAAR: What problems? There’s
security problems?

MR. MAHONEY: Yeah.

CHAIRMAN SANTORO: Okay.

MR. STERN: I mean, I’ve -- I’ve eaten
a shorter walk from the parking spaces into the
building. I -- I think it’s -- it would be a customer
benefit.

CHAIRMAN SANTORO: So right now, there’s
a door at the very -- on the side but it’s at the very
front of the building; is that right?

MR. STERN: Being proposed? No. There’s
just two -- two doorways on the front building
elevation.

MR. MAHONEY: Yeah. Technically, the
door, it’s at the corner but it does face the street.

MR. HALL: Currently, that front corner
was the former child play area.

MR. STERN: Right.

MR. HALL: So it’s sort of empty space
now. I guess they could put tables in there.

MR. STERN: Yeah. I mean even Harold
Maltz, the Board’s traffic engineer, pointed that out
in -- in his report as an issue, not necessarily a
recommendation in either way, but testimony should be
provided as to why a rear door cannot be provided. We
both had concerns about that.

CHAIRMAN SANTORO: Right. So why don’t
-- why don’t -- maybe not the traffic engineer -- well,
it could be the traffic engineer but the applicant can
there. I’ve lived in town, and yeah, that’s kind of
like a dead zone for -- for surveillance unless they
camera’ed it so --

MR. MAHONEY: Which -- which they do
camera as well but people can’t see you watching them
when you’re in -- so it -- it helps to have people know
that they can be seen, particularly, at the doors, and
if the doors are, really, kind of the -- the -- the
catch point where you can control that type of behavior
so -- and again -- so from the operations’ side, it’s a
frequent request we have to -- to give them that visual
surveillance from the counter.

CHAIRMAN SANTORO: Okay. I think -- I
think that’s reasonable.

MR. STERN: I have one more -- two more
comments.

Harold Maltz also mentioned it about
posting of a stop sign. There was agreement to that?

MR. CHASE: We can add a stop sign, yes.

MR. STERN: Okay.

And then, based on my inspection, I
noticed that the -- some of the sidewalk and the
concrete aprons were a bit damaged so the
recommendation in my report is to repair or replace the

140
1 at the direction of the borough engineer. Do you agree
2 with that?
3 MR. CALLI: That -- that's fine.
4 MR. STERN: Okay.
5 That's it for me, Mr. Chairman.
6 MR. HALL: I'm -- I'm sorry but back to
7 the door issue. Was it resolved? What was going to
8 happen with the sidewalk along the side of the building
9 that would now be used without that door? Is that what
10 you were talking about, Joe, with bollards and the
11 comment "was the pavement at the same level" and I
12 don't know if we ever resolved what was going to happen
13 there.
14 MR. STERN: The applicant is proposing a
15 flush sidewalk along the side of the building.
16 MR. HALL: Right.
17 MR. STERN: It's at the same level as the
18 pavement and is proposing six bollards. Originally,
19 they were, you know, 100 percent yellow. They're going
20 to be more of a decorative nature but that's the
21 separation. That's the protection, is the six bollards
22 or so.
23 MR. HALL: So it's just different
24 bollards from what's proposed?
25 MR. STERN: Yes.

141
1 MR. HALL: I want to understand that.
2 Okay.
3 MR. STERN: Along the sidewalk, between
4 the sidewalk and --
5 MR. HALL: Okay.
6 CHAIRMAN SANTORO: Yeah. I mean, it's --
7 it's not -- it's not ideal because you have quite a bit
8 of traffic and parking and people are having to sort of
9 find your way over to that narrow walkway. It's a 5-
10 foot-wide walkway, right, and behind steel bollards
11 and, then, make their way to the front. You know, not
12 saying it's unsafe; it's not ideal, I guess.
13 MS. KAAR: A 5-foot walkway isn't that
14 narrow. It -- it -- it strikes me that it wouldn't
15 harm many of us to walk a few more steps before we go
16 into a fast food restaurant.
17 (Laughter)
18 MR. MAHONEY: We -- we typically use a 5-
19 foot walkway because it allows two wheelchair-bound
20 customers to pass each other. It's an ADA standard.
21 That's why it becomes 5. 5 feet is the minimum that's
22 ideal.
23 CHAIRMAN SANTORO: Okay. All right.
24 Okay. Additional questions?
25 (No response)

142
1 CHAIRMAN SANTORO: All right. So I think
2 we should go to the public.
3 Are there any hands raised, Bob?
4 BOB: No, no hands raised.
5 CHAIRMAN SANTORO: Okay. Thank you.
6 All right. So let's -- let's talk for a
7 minute here. We've come a long way. It's 10:30, and
8 you know, the Board -- the Board -- I don't want push
9 it too long because I'm not sure we could get through
10 this without going really late and I want to be fair to
11 the Board members and make sure that everybody is
12 comfortable and we want to be able to take up these
13 planner arguments so I'm going -- I'm going to propose
14 that we don't press on that this may be a logical break
15 point unless there's some objection from the Board or
16 somebody wants to say something different?
17 MR. FOSTER: I think that makes sense.
18 If we -- if we continue in September, could we get
19 updated drawings? Because we've -- we've had a couple
20 of refinements over the course of the discussion.
21 CHAIRMAN SANTORO: You think you can do
22 that?
23 MR. CALLI: I -- I -- I really don't like
24 to speak for my design professionals who are going to
25 be the ones doing all work but I think, the -- the

143
1 limited discussions tonight were, mostly, on the civil
2 plans so I'm look to R.J.
3 So you think that you could have those
4 accomplished by the --
5 What would the September meeting be?
6 MR. HALL: Second Thursday, whatever that
7 number is.
8 MR. FOSTER: It's -- it's the 10th, I
9 think. Something like that.
10 CHAIRMAN SANTORO: Fran, un-mute. You're
11 muted, Fran.
12 MS. BOARDMAN: All right.
13 CHAIRMAN SANTORO: Well, that would be,
14 you know -- that would be best -- best effort if you
15 can do it but -- because what's most important to me is
16 that we get you back in here and we continue this
17 discussion, right? Because we've agreed, in principle,
18 as to what you're going to do. If you could show it to
19 us, that would be -- that would be best.
20 MR. HALL: Yeah. As the attorney, I
21 agree. There were a lot of tweaks discussed and I --
22 I'm -- I took notes but I'd like to see plans and have
23 everybody agree that what was changed was changed or --
24 rather, you know, have to guess and speculate.
25 MR. CALLI: Yeah. We'll make an effort
to prepare those, file them ten days ahead and we'll
get them in digitally as well.

And, R.J., do you think you can get that
done by September 1st, give or take?

CHAIRMAN SANTORO: We need the plans ten
days ahead.

MR. CALLI: Right. So 9/1, so we're
looking at 9/1 or the last day of August.

MR. COLUCCO: Right.

CHAIRMAN SANTORO: Well, we could be a
little flexible if we had to but ten days is typically
it.

MR. COLUCCO: If you could work with us,
yes, we should be able to get you something in that
first week of September, yes. We'll, do our best.

CHAIRMAN SANTORO: I think that would be
good.

You know what would be great? And, Gary,
if you tell me what you think, is if you were to
interface with our attorney and sort of agree what
these conditions are and what changes, so that way,
maybe even in the form of a memo that the Board could
see so we could see what's been agreed to already and
where we're at exactly without having to take 15
minutes to do it at the next meeting. We can know

clear when we -- when we walk in and -- as to what we
agreed to instead of trying to remember all these
things.

MR. HALL: Unless, Larry, if there's
anything in either memo that you've had a problem with
-- because I don't think I heard that -- let me know
and we'll have to deal with that but --

MR. CALLI: All right. That's going to
be the shorter list so we'll do it that way.

MR. HALL: Okay. That's fine.

CHAIRMAN SANTORO: Okay.

MR. HALL: We'll put something together.

CHAIRMAN SANTORO: Okay. So the idea is,
when we come back then, we can move right into the
planner discussion.

MR. HALL: Right, and hopefully, we can
say, yeah, you did what you said we'd do, or you know,
you can't do it yet or whatever. I think we are real
close but I'm always uncomfortable, you know, not
having time to digest to make sure we all get it right
so...

CHAIRMAN SANTORO: Does that sound good
to you guys?

MEMBERS OF THE BOARD: Yeah.

CHAIRMAN SANTORO: Sound good?
website, the Board of Adjustment, the Board calendar, that's where it's going to be.

MR. HALL: You click on "Virtual Meetings," and then, under that, there's the agenda listing and that's where links are and that's where the connection information should be.

And, Fran, we may already have that I think.

MS. BOARDMAN: I believe we do.

MR. HALL: Because I know I did notice this for you looking ahead and I think we are got the Zoom information from the town.

MS. BOARDMAN: Yeah. It's already posted.

MR. HALL: Okay. All right.

MS. BOARDMAN: And, Mr. Kelly, all revised plans should be sent through communications so that they can be uploaded.

MR. CALLI: You've got it. Thanks so much.

MR. HALL: All right. And on that -- but as far as, especially, me and Russell and Frank -- well, I don't know about Frank --

MR. RUSSO: Here I am.

MR. HALL: -- e-mail them so we get them right away.

MR. CALLI: I'll get them around to you guys. No problem.

MR. STERN: I'll make a request that I have drawings FedExed to -- to my address.

MR. HALL: Yeah. It's better to have yeah, you're right.

MR. CALLI: Sure.

MR. HALL: Because I know, myself, if I go to the office, I can print it on 11-by-17 but sometimes it's not.

MR. STERN: Yeah.

MR. HALL: Good.

MR. CALLI: You got it.

MR. HALL: Okay. Great.

MR. CALLI: All right, folks. Have a great night. Have a great weekend.

CHAIRMAN SANTORO: Take care. Thank you. (The hearing concluded at 10:35 p.m.)