

BOROUGH OF NORTHVALE
COMBINED PLANNING BOARD/BOARD OF ADJUSTMENT
APRIL 20, 2022
7:30 P.M.

MINUTES

CALL THE MEETING TO ORDER

Vice Chairman Giannotti called the meeting to order at 7:30 PM in the Planning Board/Board of Adjustment meeting room located on the second floor of the Municipal Building at 116 Paris Avenue, Northvale, New Jersey 07647.

STATEMENT

Vice Chairman Giannotti read the "Sunshine Statement" into the record as follows:

"This is a regularly scheduled meeting of the Combined Planning Board/Board of Adjustment of the Borough of Northvale. The date, time and location of this meeting has been advertised in the official newspaper of the Borough, filed with the Municipal Clerk, and posted on the bulletin board in the Municipal Building. All notice requirements of Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at the public meetings."

ROLL CALL:

PRESENT: Councilman Hogan, Mr. Giannotti, Mr. Guyt, Mr. Moran, Mr. Sillery,
Mr. Pothos, Mr. Degen (Alt#2) Mr. McNerney (Alt#3) Mr. Alfonso (Alt#3)

ALSO PRESENT: Gregg Paster, Board Attorney
Marie Raffay, Colliers Engineering
Nicole Cowley, Board Secretary

ABSENT: Chairman Amorosso, Mayor Marana, Mr. Vollmer, Mr. Briscoe (Alt#1)

REGULARLY SCHEDULED COMBINED WORK AND FORMAL MEETING

APPLICATION OF ATLANTIS MANAGEMENT GROUP, LLC
258 LIVINGSTON STREET
BLOCK 303 LOT 2

Transcripts for this application can be found attached, prepared by the Applicant's court reporter.

A Motion to **approve** the application was made by Mr. Pothos and seconded by Mr. Guyt.

ROLL CALL: Mr. Giannotti, Mr. Guyt, Mr. Pothos, Mr. Degen (Alt#2)
Mr. McNerney (Alt#3) Mr. Alfonso (Alt#3) -**YES**

Mr. Sillery-**NO**

ABSENT: Chairman Amorosso, Mayor Marana, Mr. Vollmer, Mr. Briscoe (Alt#1)

ABSTAIN: Councilman Hogan, Mr. Moran

APPROVAL OF RESOLUTION 22-03
NORTHVALE GREENS
BLOCK 908 LOT 1

A Motion to **approve** the Resolution was made by Mr. Giannotti and seconded by Mr. Moran.

ROLL CALL: Councilman Hogan, Mr. Giannotti, Mr. Guyt, Mr. Moran, Mr. Sillery,
Mr. Pothos, Mr. Degen (Alt#2) -**YES**

ABSENT: Chairman Amorosso, Mayor Marana, Mr. Vollmer, Mr. Briscoe (Alt#1)

ABSTAIN: Mr. McNerney (Alt#3) Mr. Alfonso (Alt#4)

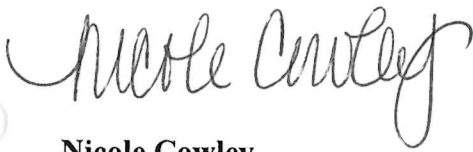
APPROVAL OF MINUTES OF APRIL 6, 2022

A motion to approve the minutes of the April 6, 2022, meeting was made by Councilman Hogan and seconded by Mr. Pothos.

ROLL CALL- All present in favor

A motion to **adjourn** the meeting at 8:36 PM was made by Councilman Hogan, seconded by Mr. Giannotti. All present in favor.

Respectfully Submitted,



**Nicole Cowley
Board Secretary**

Approved: 5-4-22

5

1 ACTING CHAIRMAN GIANNOTTI: First
 2 application is Atlantis Management Group, 258
 3 Livingston Street.
 07:34PM 4 Please come up, state your name the for
 07:34PM 5 record.
 6 MS. KNARICH: Certainly.
 7 Good evening, Chairman, Ladies and
 8 Gentleman of the Board. Can you hear me okay?
 9 Is this on?
 10 ACTING CHAIRMAN GIANNOTTI: Can you --
 11 as long as she can hear you.
 12 MS. KNARICH: I'll try and speak loud
 13 so everybody can hear me.
 14 Jennifer Knarich from Price, Meese,
 15 Shulman & D'Arminio on behalf of the applicant
 16 Atlantis Management Group.
 07:34PM 17 Before I commence, I just want to make
 07:34PM 18 sure notice has been properly effectuated and the
 07:34PM 19 board has jurisdiction over the application.
 07:34PM 20 MR. PASTER: That's confirmed.
 07:34PM 21 MS. KNARICH: Thank you very much.
 07:34PM 22 The applicant is seeking sign variance
 07:34PM 23 approval for the removal, modification and
 07:34PM 24 construction of various signs identifying Atlantis
 07:34PM 25 Fresh Market as the new and existing owner of the

6

07:34PM 1 property and Dunkin' Donuts as the franchisee.
 07:34PM 2 The subject property is located at
 07:34PM 3 258 Livingston Street and that is also known as Block
 07:34PM 4 303, Lot 2, located in your borough's C-2 commercial
 07:34PM 5 zone.
 07:34PM 6 The property presently maintains a gas
 07:35PM 7 station, convenience store and a Dunkin' Donuts
 07:35PM 8 drive-thru. The applicant proposes to remove certain
 07:35PM 9 building signage and site signage and construct
 07:35PM 10 additional identification signs and what we would
 07:35PM 11 call logo embellishments on the façade of the
 07:35PM 12 building to allow the property to be easily
 07:35PM 13 identified to the general public and to improve
 07:35PM 14 traffic circulation and safety.
 07:35PM 15 We're here before the board seeking
 07:35PM 16 certain relief and I'll have my architect get into
 07:35PM 17 the relief specifically, but just to briefly review,
 07:35PM 18 we have a wall-mounted Dunkin' sign that needs relief
 07:35PM 19 for sign area and sign height. We have an Atlantic
 07:35PM 20 Fresh Market sign that needs relief for sign area and
 07:35PM 21 sign height as well. We also have a logo sign that
 07:35PM 22 needs relief. We are seeking relief for the number
 07:35PM 23 of signs. We also have on-site directional signage
 07:35PM 24 proposed and a new menu board.
 07:35PM 25 I have two witnesses with me this

7

1 evening; Oliver Young from gk+a Architects, who will
 2 be testifying in his capacity as an expert architect,
 3 architectural testimony; and I have Michael D. Kauker
 4 from Kauker & Kauker who will be testifying in his
 5 capacity as a professional planner.
 07:36PM 6 We did receive one report from Colliers
 07:36PM 7 dated February 24, 2022. I was want to confirm
 07:36PM 8 there's no other reports.
 07:36PM 9 ACTING CHAIRMAN GIANNOTTI: We did
 07:36PM 10 receive a letter from the county.
 07:36PM 11 MS. KNARICH: I did.
 07:36PM 12 I was just going to get to that. And
 07:36PM 13 we also received a county report dated April 13,
 07:36PM 14 2022.
 07:36PM 15 If there's no other housekeeping items,
 07:36PM 16 I can bring up my first witness.
 07:36PM 17 MR. PASTER: Counsel, I just have one
 07:36PM 18 question. Is -- do you need a use variance since
 07:36PM 19 this -- there's relief being sought if the signage is
 07:36PM 20 more than 10 percent of the allowable?
 07:36PM 21 MS. KNARICH: I'm going to need you to
 07:36PM 22 elaborate a little about that.
 07:36PM 23 MR. PASTER: Well, like for example, if
 07:36PM 24 you were going for a height variance and the height
 07:37PM 25 was -- and the requirement was 30 and you were going

8

07:37PM 1 for 34, that exceeds 10 percent of the allowable and
 07:37PM 2 that usually calls for a use variance.
 07:37PM 3 MS. KNARICH: I've been doing this a
 4 pretty long time. I've never had that issue come up.
 5 MR. PASTER: Yeah, I just ask because
 6 this is --
 7 MS. KNARICH: I have a planner here, so
 8 he can testify to that.
 9 MR. PASTER: I mean, this is a big --
 10 it's a big ask, so that's the only reason.
 11 MS. KNARICH: Yeah, I'm going to say
 12 no, but I'll have my planner testify.
 13 MR. PASTER: No problem.
 14 ACTING CHAIRMAN GIANNOTTI: I have a
 15 question for you.
 16 MS. KNARICH: Yup.
 17 ACTING CHAIRMAN GIANNOTTI: Now,
 07:37PM 18 Dunkin' Donuts, is this going to be a new use with
 07:37PM 19 the store or the same use that's there now?
 07:37PM 20 MS. KNARICH: It's going to still be a
 07:37PM 21 convenience store, but it was purchased by a new
 22 owner.
 23 ACTING CHAIRMAN GIANNOTTI: Convenience
 24 store. Same owners or new owners.
 25 MS. KNARICH: New owner.

9

1 That's why we're coming in for the new
 2 signage for the new ownership.
 3 Anything else? I can put up my first
 4 witness.
 07:37PM 5 MR. MORAN: Mr. Chairman, I just want
 07:37PM 6 to go on record in saying I'm a personal friend of
 07:37PM 7 the applicant's architect, so I'll abstain from the
 07:37PM 8 vote, but I'd like to remain up here for questions.
 07:37PM 9 ACTING CHAIRMAN GIANNOTTI: Sure.
 07:37PM 10 MS. KNARICH: I'm good with that.
 07:37PM 11 ACTING CHAIRMAN GIANNOTTI: Call your
 07:37PM 12 first witness.
 07:38PM 13 MS. KNARICH: Okay. My first witness,
 07:38PM 14 Mr. Oliver Young.
 07:38PM 15 MR. YOUNG: Thank you.
 07:38PM 16 Before I start, is this an appropriate
 07:38PM 17 place for my easel and drawings or would the board
 07:38PM 18 like me to move it somewhere else.
 07:38PM 19 ACTING CHAIRMAN GIANNOTTI: That's
 07:38PM 20 good. We have nobody in the audience, so as long as
 07:38PM 21 we can see it.
 07:38PM 22 MR. YOUNG: Okay.
 07:38PM 23 Hi, good evening, everyone. I think
 07:38PM 24 I'll qualify myself first before I begin with my
 07:38PM 25 testimony.

10

07:38PM 1 MR. PASTER: Just raise your right hand
 07:38PM 2 to be sworn, please.
 07:38PM 3 MR. YOUNG: Yes.
 07:38PM 4 MR. PASTER: Do you swear the testimony
 07:38PM 5 you're about to give the board is the truth, the
 07:38PM 6 whole truth, nothing but the truth?
 07:38PM 7 MR. YOUNG: Yes, I do.
 07:38PM 8 O L I V E R Y O U N G, AIA
 07:38PM 9 36 Ames Avenue in Rutherford, New Jersey, having
 07:38PM 10 been duly sworn, testifies as follows:
 07:38PM 11 MR. PASTER: Just give us your name,
 07:38PM 12 spell your last, give us your professional
 07:38PM 13 affiliation and brief qualifications, please.
 07:38PM 14 MR. YOUNG: Sure.
 07:38PM 15 First name Oliver, O-L-I-V-E-R, last
 07:38PM 16 name Young, Y-O-U-N-G.
 07:38PM 17 I'm a principal at gk+a Architects.
 07:38PM 18 Our business address is 36 Ames Avenue in Rutherford,
 07:38PM 19 New Jersey.
 20 I hold a bachelor's degree in
 21 architecture from Rensselaer Polytechnic Institute.
 22 ACTING CHAIRMAN GIANNOTTI: Excuse me
 23 one second.
 24 Is Mr. Hogan not allowed to sit on
 25 this?

11

1 MR. PASTER: Yeah, this is a board of
 2 adjustment application.
 3 ACTING CHAIRMAN GIANNOTTI: Oh, okay.
 4 We were wondering why he's sitting over there.
 5 MR. PASTER: Yeah, I kind of whispered
 6 to him.
 7 ACTING CHAIRMAN GIANNOTTI: He's a
 8 councilman.
 9 I'm sorry, go ahead.
 10 MR. YOUNG: No, that's quite all right.
 11 As I was saying, I hold a bachelor's
 12 degree in architecture from Rensselaer Polytechnic
 13 Institute located in Troy, New York.
 14 I practiced in the field of
 15 architecture for over 22 years.
 16 I've been a licensed architect in the
 17 State of New Jersey for over 16 years.
 18 My license is current and I've appeared
 19 at over 50 planning and zoning board throughout the
 07:39PM 20 state, including this one and I've been accepted at
 07:39PM 21 all of them.
 07:39PM 22 MR. PASTER: Sounds fine to me.
 07:39PM 23 ACTING CHAIRMAN GIANNOTTI: Accepted as
 07:39PM 24 an expert witness.
 07:39PM 25 MR. PASTER: In architecture only,

12

07:39PM 1 correct?
 07:39PM 2 MR. YOUNG: Excuse me?
 07:39PM 3 MR. PASTER: Architecture is the only
 07:39PM 4 area of expertise you're going to testify?
 07:39PM 5 MR. YOUNG: That is correct.
 07:39PM 6 MR. PASTER: Very good. All right.
 07:39PM 7 Thank you.
 07:39PM 8 MR. YOUNG: I'm going to pull up the
 07:39PM 9 black-and-white drawings that were submitted to the
 07:39PM 10 board and you should have in your hands.
 07:39PM 11 I'm not sure if I need to mark this as
 07:39PM 12 an exhibit or not.
 07:39PM 13 CHAIRMAN GIANNOTTI: Gregg, do you want
 07:39PM 14 him to mark it as an exhibit?
 07:39PM 15 MR. PASTER: If he so chooses, it's
 07:39PM 16 probably a good idea, we'll call this A-1 in
 07:39PM 17 evidence.
 07:39PM 18 DIRECT EXAMINATION
 07:39PM 19 BY MS. KNARICH:
 07:39PM 20 Q. What's the revision date?
 07:39PM 21 A. **The most recent date is January 13,**
 07:40PM 22 **2022.**
 07:40PM 23 (Whereupon, Black-and-White Drawings,
 07:40PM 24 dated January 13, 2022 is received and marked
 07:40PM 25 as Exhibit A-1 for identification.)

07:40PM 1 THE WITNESS: Now, as Ms. Knarich
 07:40PM 2 mentioned, the project, subject property is
 07:40PM 3 258 Livingston Street.
 07:40PM 4 We're proposing some façade renovations
 07:40PM 5 to the building, as well as signage changes to the
 07:40PM 6 building.
 07:40PM 7 The existing freestanding sign, as well
 07:40PM 8 as adding two new directional signs, plus some
 07:40PM 9 modifications to the drive-through elements for the
 07:40PM 10 Dunkin' Donuts and I'll elaborate on that a little
 07:40PM 11 further.
 07:40PM 12 The existing structure is stucco and
 07:40PM 13 brick front façade with a faux pitched roof overhang
 07:40PM 14 at the front and we are not proposing any changes to
 07:40PM 15 the building height or the storefront glazing. We're
 07:40PM 16 only proposing new finishes and new colors only to
 07:41PM 17 the façade.
 07:41PM 18 I'm actually going to introduce my
 07:41PM 19 first exhibit right now, some colored elevations
 07:41PM 20 showing the proposed changes and I will mark that as
 07:41PM 21 A-2.
 07:41PM 22 We marked the first one.
 07:41PM 23 (Whereupon, Colored Elevations of
 07:41PM 24 Proposed Changes, dated April 19, 2022 is
 07:41PM 25 received and marked as Exhibit A-2 for

07:41PM 1 identification.)
 07:39PM 2 BY MS. KNARICH:
 07:39PM 3 Q. What's the date of that exhibit?
 07:41PM 4 A. This is dated April 19, 2022 and I'll
 07:41PM 5 just briefly touch on the material changes here. The
 07:41PM 6 brick and stucco are being removed and we're going to
 07:41PM 7 go with a metal panel finish.
 07:41PM 8 I'll focus on the front façade, which
 07:41PM 9 is at the top of the page. This is the front of the
 07:41PM 10 building which faces Livingston Street.
 07:41PM 11 However, it sits behind the existing
 07:41PM 12 fuel canopy, which fronts right on Livingston Street.
 07:41PM 13 We're proposing three different sets of
 07:41PM 14 metal panels, dark grey metal panel at the lower
 07:41PM 15 portion, a champagne color metal panel at the top
 07:41PM 16 portion and a full wood finish on the right-hand side
 07:41PM 17 of the façade.
 07:41PM 18 The existing overhang I mentioned is
 07:42PM 19 going to be ripped off and we're going to replace it
 07:42PM 20 with a flat canopy and you can see the tie rods
 07:42PM 21 holding it back. That canopy is going to project out
 22 3-foot-6 over the existing sidewalk. The two side
 23 elevations are going to consist solely of champagne
 24 colored metal panels and the rear elevation, we're
 25 simply going to paint the existing stucco a dark grey

1 to match the metal panels in front and you'll see on
 2 the north elevation where the existing drive-through
 07:42PM 3 window is, we're proposing another flat canopy. This
 4 one will be colored orange to match the Dunkin'
 5 Donuts orange. There's the drive-through pickup
 6 window.
 7 The main thing we're here for tonight
 8 is signage changes. For the existing building,
 9 there's three signs on the front façade of the
 10 building. There's a Dunkin' Donuts sign of 11.92
 11 square feet, a C-store sign at 35 square feet and
 12 then there's a blank signage box on the right-hand
 07:43PM 13 side, I think it was for a former tenant at 8.67
 07:43PM 14 square feet. That totals 56.25 square feet.
 07:43PM 15 We are proposing three new signs. The
 07:43PM 16 new Dunkin' sign, which you'll see on the left-hand
 07:43PM 17 side as the Dunkin' occupies the left portion of the
 07:43PM 18 building, is 34.85 square feet. The convenience
 07:43PM 19 store brand is now Atlantis Fresh Market, they're the
 07:43PM 20 owner. That signage, which you'll see on the
 07:43PM 21 right-hand side is 40.78 square feet and there's also
 07:43PM 22 a logo.
 07:43PM 23 It might be a little bit hard to see
 07:43PM 24 based on the champagne background, but it's a star
 07:43PM 25 logo for Atlantis Fresh Market. That does count as a

07:43PM 1 sign also. That's 16 square feet. So the total of
 07:43PM 2 the three new signs is 91.63 square feet. It's a net
 07:43PM 3 increase of 35.38 square feet.
 07:43PM 4 We are refacing, there's an existing
 07:43PM 5 freestanding sign also that sits on the northwest
 07:43PM 6 corner of the property near the property line. We
 07:43PM 7 are not touching that, except for refacing of the
 07:44PM 8 existing Dunkin' Donuts portion of the sign, which
 07:44PM 9 sits at the bottom of that sign.
 07:44PM 10 We're not increasing the square
 07:44PM 11 footage. The Dunkin' sign is currently 15 square
 07:44PM 12 feet and where the new Dunkin' logo and colors would
 07:44PM 13 be 15 square feet also.
 07:44PM 14 I'm just looking for that sign detail.
 07:44PM 15 MR. SILLERY: That's the one on the
 07:44PM 16 building or the one on the freestanding?
 07:44PM 17 THE WITNESS: That's the one on the
 07:44PM 18 freestanding sign. It's at the base of the
 07:44PM 19 freestanding sign. There will be no other changes to
 07:44PM 20 that freestanding sign.
 07:44PM 21 MS. RAFFAY: So you won't be having
 07:44PM 22 anything on there that says Atlantis Fresh Market at
 07:44PM 23 all?
 07:44PM 24 THE WITNESS: We are not proposing it
 07:44PM 25 at this point in time with this application.

07:44PM 1 Sorry, I was looking for this. We have
 07:44PM 2 a architectural/signage site plan, which shows this
 07:44PM 3 is Livingston Street here on the left-hand side.
 07:44PM 4 This is sheet A-1.0. You'll see the fueling canopy
 07:45PM 5 sits almost on the street and the building sits right
 07:45PM 6 behind it. This is the front façade I was referring
 07:45PM 7 to where the parking spaces are.
 07:45PM 8 The existing freestanding sign is at
 07:45PM 9 the northwest corner of the property and the Dunkin'
 07:45PM 10 signage occupies the bottom of that sign, it's 3 feet
 07:45PM 11 by 5 feet.
 07:45PM 12 So we're simply going to reface that as
 07:45PM 13 the Dunkin' Donuts just went through remodeling.
 07:45PM 14 We're proposing two new directional
 07:45PM 15 signs, which I don't -- this type of directional
 07:45PM 16 signage is not allowed per your ordinance, signage
 07:45PM 17 for the Dunkin' drive-through. Ingress and egress,
 07:45PM 18 it's a one-way in, one-way out. The ingress is on
 07:45PM 19 the southern portion of the site and we're proposing
 07:45PM 20 a Dunkin' Donuts enter sign on the north side of the
 07:45PM 21 curb cut.
 07:45PM 22 Now, I must confess, I just visited the
 07:45PM 23 site and took some measurements, because I had some
 07:45PM 24 concerns and I realized that the Dunkin' directional
 07:46PM 25 sign will not work where we propose it. It's

07:46PM 1 proposed on our property.
 07:46PM 2 However, it's going to be set back
 07:46PM 3 approximately one-and-a-half feet from the property
 07:46PM 4 line. The sign is 4-foot wide. It would actually
 07:46PM 5 stick into the vehicle drive aisle right there.
 07:46PM 6 So we're proposing to relocate that
 07:46PM 7 directional sign to the southwest corner of the site
 07:46PM 8 and there's actually an existing one-way sign, a
 07:46PM 9 traffic sign there with an existing Dunkin' Donuts
 07:46PM 10 directional sign right below it. It's a second
 07:46PM 11 one-way sign. Everybody knows the black background
 07:46PM 12 with the white arrow and the black letters. The
 07:46PM 13 Dunkin' directional sign is that black and white
 07:46PM 14 one-way sign. Instead of saying one way, it says
 07:46PM 15 Dunkin' Donuts. That's going to be removed and we're
 07:46PM 16 going to propose the Dunkin' Donuts directional sign
 07:46PM 17 there as opposed to the north side of the curb cut.
 07:46PM 18 MR. SILLERY: What about the one way?
 07:46PM 19 THE WITNESS: The one-way has to stay.
 07:46PM 20 I don't believe we can remove that, that's a traffic
 07:46PM 21 sign. We'd simply remove the second --
 07:46PM 22 I unfortunately don't have a picture of
 07:46PM 23 it, the second sign that sits right below it. It's
 07:46PM 24 incredibly odd looking. So we want to put our own
 07:46PM 25 Dunkin' brand inside there.

1 At the northern curb cut, which is a
 2 right turn only, egress only, that's where we're
 3 proposing the second Dunkin' directional sign that
 4 would sit just to the west of the existing
 5 freestanding sign and it simply says "Dunkin' Donuts,
 6 Do Not Enter" on it.
 7 Now, there's also a --
 8 MR. SILLERY: What is the dimensions of
 9 that sign?
 07:47PM 10 THE WITNESS: The total square footage
 07:47PM 11 is 2.75 square feet.
 07:47PM 12 MR. SILLERY: Will that hamper the
 07:47PM 13 driver making the exit there or will he -- will his
 07:47PM 14 vision be impaired by that sign?
 07:47PM 15 THE WITNESS: No, it definitely
 07:47PM 16 shouldn't, because I actually just drove through the
 07:47PM 17 site myself and as my vehicle stopped right there,
 07:47PM 18 there's actually an existing stop sign right there.
 07:47PM 19 You see the stop sign right in front of you, you're
 07:47PM 20 looking to your left, because it's a right-turn only
 07:47PM 21 and you're looking at traffic coming northbound, even
 07:47PM 22 if you look to your right for some reason to see if
 07:47PM 23 there were any pedestrians coming down that portion
 07:47PM 24 of the sidewalk, which only exists on the Dunkin'
 07:47PM 25 property, you would not see that directional sign at

07:48PM 1 all.
 07:48PM 2 ACTING CHAIRMAN GIANNOTTI: How far
 07:48PM 3 back will that sign be?
 07:48PM 4 THE WITNESS: Let me check my notes.
 07:48PM 5 Hold on one second, please.
 07:48PM 6 From the Livingston Street property
 07:48PM 7 line, that sign would sit 6 feet, 6 inches back from
 07:48PM 8 the property line and property line is the border of
 07:48PM 9 the sidewalk and the mulch landscaping right there.
 07:48PM 10 Where those two meet, that's actually the property
 07:48PM 11 line. So we're proposing to be 6 feet, 6 inches back
 07:48PM 12 from that property line.
 07:48PM 13 MS. RAFFAY: How tall are those signs?
 07:48PM 14 THE WITNESS: One second, please. I
 07:48PM 15 can't remember off the top of my head.
 07:48PM 16 MS. RAFFAY: It's okay.
 07:48PM 17 ACTING CHAIRMAN GIANNOTTI: Come on,
 07:48PM 18 you got to be prepared.
 07:48PM 19 THE WITNESS: Too many sign numbers to
 07:48PM 20 memorize.
 07:48PM 21 MS. RAFFAY: There's a lot, I agree.
 07:48PM 22 ACTING CHAIRMAN GIANNOTTI: I know, we
 07:48PM 23 understand that. We read the application.
 07:49PM 24 THE WITNESS: Two foot -- oh, I'm
 07:49PM 25 sorry, 4 foot, 10 inches to the top of the sign.

07:49PM 1 It's actually the sign structure. It's an L-shaped
 07:49PM 2 post. It comes up vertically out of the ground and
 07:49PM 3 cantilevers horizontally and the sign sits under
 07:49PM 4 that.
 07:49PM 5 So it's 3 foot, 10-and-a-half -- I'm
 07:49PM 6 sorry -- 4 foot, 10 inches to the top of that
 07:49PM 7 directional sign and the directional sign dimensions
 07:49PM 8 are actually shown in the submittal package.
 07:49PM 9 There's a few additional site elements
 07:49PM 10 we're going to be adding here all related to the
 07:49PM 11 drive-through. The drive-through entrance is at the
 07:49PM 12 south of the property and it wraps around the rear of
 07:49PM 13 the building. We're proposing right as you turn the
 07:49PM 14 corner there, a height limitation bar. It's a
 07:49PM 15 warning bar at 9 feet that tells you if your vehicle
 07:49PM 16 hits this, you're going to hit the drive-through
 07:49PM 17 canopy.
 07:49PM 18 Then as you go around the back of the
 07:49PM 19 building and start to turn the corner where the
 07:49PM 20 building is cut at another 45 degree, we're replacing
 07:50PM 21 the existing Dunkin' Donuts drive-through menu with a
 07:50PM 22 new digital menu. It's smaller. I think it's less
 07:50PM 23 than half the size of the existing drive-through menu
 07:50PM 24 and also providing a canopy directly in front of it,
 07:50PM 25 which provides a little bit of weather protection for

07:50PM 1 the drivers. So they pull up to the canopy, they
 07:50PM 2 have the speakers and the canopy and they're staring
 07:50PM 3 at the menu right in front of them.
 07:50PM 4 So the canopy, itself, is a new element
 07:50PM 5 and that is also detailed in this set. The menu is
 07:50PM 6 simply replacing the existing menu. It's in its
 07:50PM 7 existing location.
 07:50PM 8 ACTING CHAIRMAN GIANNOTTI: How high
 07:50PM 9 above the driveway is the canopy?
 07:50PM 10 THE WITNESS: Is the canopy itself, to
 07:50PM 11 the top of the canopy? I have to check the drawings.
 07:50PM 12 ACTING CHAIRMAN GIANNOTTI: You got a
 07:50PM 13 height limitation bar.
 07:50PM 14 THE WITNESS: Excuse me.
 07:50PM 15 ACTING CHAIRMAN GIANNOTTI: Would it be
 07:50PM 16 the same height as the limitation bar? Because if
 07:50PM 17 somebody goes through it and it's low, they're going
 07:50PM 18 to crash into it.
 07:50PM 19 THE WITNESS: Yeah, it's -- I think
 07:50PM 20 it's set at 9 feet and I'm going to double check
 07:50PM 21 right now and the canopy -- there's a flat canopy
 07:50PM 22 that projects out over the drive-through window.
 07:51PM 23 That's what the height limitation bar is for, for the
 07:51PM 24 canopy and for the pickup window.
 07:51PM 25 ACTING CHAIRMAN GIANNOTTI: Okay.

07:51PM 1 MR. DEGEN: Any problem getting a
 07:51PM 2 garbage truck through there?
 07:51PM 3 THE WITNESS: The garbage truck will --
 07:51PM 4 MR. DEGEN: And a fire truck?
 07:51PM 5 THE WITNESS: The existing dumpster
 07:51PM 6 enclosure is located in the northeast corner. I
 07:51PM 7 don't know how the traffic currently navigates in
 07:51PM 8 terms of garbage trucks, but I believe they can come
 07:51PM 9 straight in this way (indicating). They would have
 07:51PM 10 to back in, because I don't think they can make this
 07:51PM 11 turn anyway. They can back in to the dumpster, do
 07:51PM 12 what they need to do and pull out and they wouldn't
 07:51PM 13 be affected by the canopy overhang or this order
 07:51PM 14 canopy right here.
 07:51PM 15 MR. SILLERY: The first time they have
 07:51PM 16 a new driver and he doesn't do that, you're in
 07:51PM 17 trouble.
 07:51PM 18 THE WITNESS: That's correct.
 07:51PM 19 I believe this height limitation bar, I
 07:51PM 20 believe there's some give to it. I can't confirm
 07:51PM 21 that, though.
 07:51PM 22 MR. SILLERY: What is the height of
 07:51PM 23 that?
 07:51PM 24 ACTING CHAIRMAN GIANNOTTI: Nine feet.
 07:51PM 25 THE WITNESS: Nine feet, 9-foot clear

07:51PM 1 to the underside.
 07:51PM 2 MR. SILLERY: Okay.
 07:52PM 3 THE WITNESS: I believe that covers
 07:52PM 4 everything I wanted to go over in my direct.
 07:52PM 5 The planner is going to provide some
 07:52PM 6 information supporting these signs.
 07:52PM 7 However, if the town engineer has any
 07:52PM 8 specific questions they'd like answered, based on the
 07:52PM 9 letter, I'd be happy to answer those at this time.
 07:52PM 10 ACTING CHAIRMAN GIANNOTTI: Let me ask
 07:52PM 11 the board members.
 07:52PM 12 Mr. Pothos?
 07:52PM 13 MR. POTHOS: I have a few questions.
 07:52PM 14 You mentioned about the façade.
 07:52PM 15 THE WITNESS: Yes.
 07:52PM 16 MR. POTHOS: You said metal. I'm
 07:52PM 17 assuming aluminum?
 07:52PM 18 THE WITNESS: Yes.
 07:52PM 19 MR. POTHOS: You're not removing the
 07:52PM 20 actual brick from the building, you're just going to
 07:52PM 21 take the aluminum and screw it on?
 07:52PM 22 I just wanted to hear from you.
 07:52PM 23 THE WITNESS: Yeah, the brick we can't
 07:52PM 24 remove. The stucco above it, I'm not sure if it's
 07:52PM 25 stucco or EIFS efface to be honest with you, as long

07:52PM 1 as we can attach through it, we will. It doesn't
 07:52PM 2 make any sense to remove it.
 07:52PM 3 MR. POTHOS: And now the aluminum
 07:52PM 4 façades that you're providing, that is now the norm
 07:52PM 5 and the more modern look that buildings, especially
 07:52PM 6 commercial buildings are going for, correct?
 07:52PM 7 THE WITNESS: That's correct.
 07:52PM 8 MR. POTHOS: No more questions.
 07:52PM 9 ACTING CHAIRMAN GIANNOTTI: Mr. Guyt?
 07:53PM 10 MR. GUYT: No, I have no questions.
 11 ACTING CHAIRMAN GIANNOTTI: Mr. Moran,
 12 you can ask questions.
 13 MR. MORAN: Yeah, if you don't mind, I
 14 have a couple.
 15 ACTING CHAIRMAN GIANNOTTI: Sure.
 07:53PM 16 MR. MORAN: The new canopy that you're
 07:53PM 17 proposing, how are you taking care of the rainwater
 07:53PM 18 from that?
 07:53PM 19 THE WITNESS: The canopy over the front
 07:53PM 20 façade? There's actually two existing downspouts I
 07:53PM 21 noticed, which are not shown on our drawings that are
 07:53PM 22 at the front façade. We're going to tie into those
 07:53PM 23 two downspouts because they do go underground to the
 07:53PM 24 existing storm drainage system.
 07:53PM 25 MR. MORAN: And the signage at the

07:53PM 1 northwest corner, the larger signage, is that one
 07:53PM 2 sided or two sided?
 07:53PM 3 THE WITNESS: Are you talking about the
 07:53PM 4 existing freestanding sign.
 07:53PM 5 MR. MORAN: Yes.
 07:53PM 6 THE WITNESS: It is two sided.
 07:53PM 7 MR. MORAN: Okay. So you're re-facing
 07:53PM 8 both sides of that?
 07:53PM 9 THE WITNESS: Yes.
 07:53PM 10 MR. MORAN: And I did notice that
 07:53PM 11 you're relocating the existing ice merchandiser --
 07:53PM 12 THE WITNESS: Yes.
 07:53PM 13 MR. MORAN: -- that looks like it is
 07:53PM 14 out of the way of the curb cut.
 07:53PM 15 THE WITNESS: Yes.
 07:53PM 16 MR. MORAN: Is there any impediment to
 07:53PM 17 ADA flow around this site?
 07:53PM 18 THE WITNESS: Thank you for bringing
 07:53PM 19 that up. I forgot to address that.
 07:53PM 20 There is an existing ice merchandiser,
 07:54PM 21 excuse me, at the front façade.
 07:54PM 22 I'll point to it on the colored
 07:54PM 23 elevations even though it's not shown there. It
 07:54PM 24 currently sits on the right-hand side of the façade.
 07:54PM 25 It would block the new star logo we're proposing, so

07:54PM 1 it's going to be relocated over to the left-hand side
 07:54PM 2 of the façade.
 07:54PM 3 I believe there's accessible parking
 07:54PM 4 there. We'll take some field measurements to make
 07:54PM 5 sure that that merchandiser clears the accessible
 07:54PM 6 path of travel and is not an impediment to anybody
 07:54PM 7 that might be in a wheelchair.
 07:54PM 8 MS. RAFFAY: If you don't mind if I go
 07:54PM 9 out of turn just to kind of --
 07:54PM 10 MR. SILLERY: Go ahead, I was going to
 07:54PM 11 bring it up myself.
 07:54PM 12 MS. RAFFAY: I just -- and that was one
 07:54PM 13 of the things we had noted in the engineering review
 07:54PM 14 was that technically the ice merchandiser is outdoor
 07:54PM 15 storage.
 07:54PM 16 Do you know if there was any prior
 07:54PM 17 approvals for that and take that from there.
 07:54PM 18 THE WITNESS: I'll go first and you can
 07:54PM 19 address it if you'd like.
 07:54PM 20 We actually were the architects for
 07:54PM 21 this original convenience store building, I happened
 07:54PM 22 to find in our records and I went through that file,
 07:54PM 23 but, unfortunately, our records were limited to the
 07:54PM 24 architecture of the building only.
 07:55PM 25 On those drawings I didn't see any

07:55PM 1 indication of an ice merchandiser, but that's where
 07:55PM 2 my knowledge ends. I know, Jennifer, you might have
 07:55PM 3 looked into it further.
 07:55PM 4 MS. KNARICH: Yeah, I looked into it as
 07:55PM 5 well. The position that we are taking with respect
 07:55PM 6 to that is I know there's no outdoor storage
 07:55PM 7 permitted, but we would consider it an accessory use
 07:55PM 8 customary and incidental to the proposed convenience
 07:55PM 9 store.
 07:55PM 10 MS. RAFFAY: So, you know, I just --
 07:55PM 11 MR. SILLERY: Would you have to get a
 07:55PM 12 variance for that, though?
 07:55PM 13 MS. KNARICH: Not if --
 07:55PM 14 MR. SILLERY: Would you have to apply
 15 and get a variance --
 16 MS. KNARICH: Not if we're arguing it's
 17 accessory --
 18 MR. SILLERY: Pardon?
 19 MS. KNARICH: Not if we're arguing it's
 07:55PM 20 accessory, which my planner will touch upon.
 07:55PM 21 MR. SILLERY: But it was added, it was
 07:55PM 22 added after the original approval for that site.
 07:55PM 23 MS. KNARICH: I'll have my planner
 07:55PM 24 testify to that.
 25 MR. SILLERY: Okay.

1 ACTING CHAIRMAN GIANNOTTI: Anything
 2 else.
 3 MS. RAFFAY: Not along that. You can
 4 continue on, I'll just tag in.
 07:55PM 5 MR. SILLERY: The feather signs, what
 07:55PM 6 are you going to do with those? They're in
 07:55PM 7 violation, you know.
 07:55PM 8 THE WITNESS: Yes, they are and they
 07:55PM 9 are still there. I noticed that in the --
 07:55PM 10 MR. SILLERY: They are still there and
 07:55PM 11 you people have known that for weeks now. "You
 07:56PM 12 people," I apologize.
 13 THE WITNESS: That's quite all right.
 14 MS. KNARICH: That's okay, I've been
 15 called worse, don't worry.
 16 (Laughter.)
 17 THE WITNESS: I'm not offended.
 18 They have to be removed, you're correct
 19 100 percent.
 07:56PM 20 MR. SILLERY: Please. We can't approve
 07:56PM 21 when you have existing violations.
 07:56PM 22 Also, since you did a document review,
 07:56PM 23 you're aware that the air station is originally
 07:56PM 24 approved as free, free air, you're aware of that,
 07:56PM 25 right, because you did a document review?

07:56PM 1 THE WITNESS: I did the document review
 07:56PM 2 of what I had in my file. My file was limited to the
 07:56PM 3 original architecture of the building. That did not
 07:56PM 4 include the air machine, so I did not research that.
 07:56PM 5 MR. SILLERY: But it's on your plan.
 07:56PM 6 THE WITNESS: It might be shown
 07:56PM 7 representatively on my architectural site plan, but
 07:56PM 8 there's no reference to cost or type of use.
 07:56PM 9 MR. SILLERY: Okay. So that would be a
 07:56PM 10 question for the owner then, I guess?
 07:56PM 11 THE WITNESS: Yes.
 07:56PM 12 ACTING CHAIRMAN GIANNOTTI: Okay. Do
 07:56PM 13 you want to bring up the size of --
 07:56PM 14 MR. SILLERY: The size of the signs?
 07:56PM 15 ACTING CHAIRMAN GIANNOTTI: Yes.
 07:56PM 16 MR. SILLERY: Yeah, you already have a
 07:56PM 17 variance for those signs. The ordinance allows for
 07:57PM 18 24 square feet, I believe. You've got something like
 07:57PM 19 approval for 59 or 56.
 07:57PM 20 ACTING CHAIRMAN GIANNOTTI: Fifty-four.
 07:57PM 21 MR. SILLERY: Fifty-four square feet
 07:57PM 22 and now you want to go to 91.
 07:57PM 23 THE WITNESS: That's correct.
 07:57PM 24 MR. SILLERY: Do you think that that's
 07:57PM 25 -- you're asking a lot for that?

07:57PM 1 MS. KNARICH: I'll have the planner
 07:57PM 2 testify to the proofs related to the --
 07:57PM 3 MR. SILLERY: I'm sure he will, but I'm
 07:57PM 4 just asking.
 07:57PM 5 THE WITNESS: I believe --
 07:57PM 6 MR. SILLERY: Is that a big ask?
 07:57PM 7 THE WITNESS: I don't believe this is a
 07:57PM 8 big ask. If you look at the signs --
 07:57PM 9 MR. SILLERY: That is -- it's
 07:57PM 10 illuminated, which means it's going to glow in the
 07:57PM 11 dark.
 07:57PM 12 THE WITNESS: Yes, they're internally
 07:57PM 13 illuminated channel letters, that's correct.
 07:57PM 14 ACTING CHAIRMAN GIANNOTTI: Anything
 07:57PM 15 else?
 07:57PM 16 MR. SILLERY: No, if I do, I'll --
 07:57PM 17 ACTING CHAIRMAN GIANNOTTI: Mr. Degen?
 07:57PM 18 MR. DEGEN: No questions.
 19 ACTING CHAIRMAN GIANNOTTI:
 20 Mr. McNerney?
 21 MR. McNERNEY: No questions.
 22 ACTING CHAIRMAN GIANNOTTI:
 23 Mr. Alfonso?
 24 MR. ALFONSO: No questions.
 25 ACTING CHAIRMAN GIANNOTTI: Engineer?

1 MS. RAFFAY: Okay.
 07:57PM 2 So a couple of other things. Could you
 07:57PM 3 talk about the menu sign?
 07:57PM 4 THE WITNESS: Yes.
 07:57PM 5 MS. RAFFAY: Technically a digital
 07:58PM 6 sign. I don't know if this is you or the planner.
 07:58PM 7 THE WITNESS: It's me, I did research
 07:58PM 8 that. I forgot to address that in my testimony.
 07:58PM 9 It's digital, but it's static. It's not flashing.
 07:58PM 10 It does not change during the day. It will change
 07:58PM 11 once a day.
 07:58PM 12 So if I go to buy a cup of coffee right
 07:58PM 13 now and order through the drive-through and I come
 07:58PM 14 back tomorrow, it could be new then, but it will not
 07:58PM 15 change throughout the course of the day.
 07:58PM 16 BY MS. KNARICH:
 07:58PM 17 Q. So you're not having, like, a morning
 07:58PM 18 menu, afternoon menu and an evening menu?
 07:58PM 19 A. That's correct.
 07:58PM 20 Q. Okay.
 07:58PM 21 A. It's static all day. It will change
 07:58PM 22 overnight and when it re-opens, that's when you'll
 07:58PM 23 see the change.
 07:58PM 24 Q. For example, pricing changes on a menu?
 07:58PM 25 A. Yes, or the new special offering for a

07:58PM **1** **holiday.**
 07:58PM **2** MS. RAFFAY: What are the hours there?
 07:58PM **3** THE WITNESS: I believe it opens at --
 07:58PM **4** the drive-through opens at 5 a.m. I cannot recall
 07:58PM **5** when it --
 07:58PM **6** MALE AUDIENCE MEMBER: It closes at
 07:58PM **7** 11:30.
 07:58PM **8** MS. RAFFAY: Can we talk about that
 07:58PM **9** freestanding sign?
 07:58PM **10** THE WITNESS: Yes.
 07:58PM **11** MS. RAFFAY: And thank you for the
 07:58PM **12** testimony on that about the size, because I wasn't
 07:58PM **13** sure if it was exactly the same size and that you are
 07:58PM **14** switching it out, just changing it out.
 07:58PM **15** THE WITNESS: Yes.
 07:58PM **16** MS. RAFFAY: There seems to be a
 07:58PM **17** technicality in the ordinance that says that if it's
 07:58PM **18** -- because it's not compliance right now because it's
 07:58PM **19** too close to the property line.
 07:58PM **20** So if it's not in compliance,
 07:58PM **21** technically it's not allowed to be altered, rebuilt,
 07:58PM **22** enlarged, extended, relocated unless it's brought
 07:58PM **23** into conformance.
 07:58PM **24** So I don't know if there's something
 07:58PM **25** maybe you can talk about with that.

07:58PM **1** THE WITNESS: I mean, I'm sure the
 07:58PM **2** planner will address it a little more. I mean, we're
 07:58PM **3** refacing the existing Dunkin' portion, because we
 07:58PM **4** just remodeled the existing Dunkin' Donuts store
 07:58PM **5** inside and we're proposing the upgrades to the
 07:58PM **6** Dunkin' as part of the façade upgrades. I mean, it's
 07:58PM **7** a retail tenant. They're required to remodel every
 08:00PM **8** certain number of years and we don't want to present
 08:00PM **9** their old design on the sign that would have to be
 08:00PM **10** approved by corporate. We want to keep it current
 08:00PM **11** with the current design which just came out.
 08:00PM **12** We're simply taking the face off and
 08:00PM **13** putting a new face on.
 08:00PM **14** ACTING CHAIRMAN GIANNOTTI: Okay.
 08:00PM **15** MS. RAFFAY: One other thing was that
 08:00PM **16** in the zoning denial letter, it states that there's a
 08:00PM **17** propane exchange system and I don't see that on
 08:00PM **18** there. I don't know that it's actually there.
 08:00PM **19** MS. KNARICH: It's not.
 08:00PM **20** MS. RAFFAY: Was that a mistake in the
 08:00PM **21** zoning?
 08:00PM **22** THE WITNESS: It's a typo. I believe
 08:00PM **23** at one point and Jennifer can --
 08:00PM **24** MS. KNARICH: It was done by the
 08:00PM **25** contractor for that propane tank. So we did not

08:00PM **1** handle the application. We know it was denied and
 08:00PM **2** we're not proposing that this evening.
 08:00PM **3** MS. RAFFAY: Okay. I think that's all
 08:00PM **4** I have.
 08:00PM **5** ACTING CHAIRMAN GIANNOTTI: I forgot
 08:00PM **6** myself.
 08:00PM **7** Now, you said you renovated inside.
 08:00PM **8** What did you do inside the building?
 08:01PM **9** THE WITNESS: We renovated just the
 08:01PM **10** Dunkin' Donuts portion, which sits on the left --
 08:01PM **11** ACTING CHAIRMAN GIANNOTTI: Did you put
 08:01PM **12** tables in there, chairs?
 08:01PM **13** THE WITNESS: Not that I know of. We
 08:01PM **14** simply refaced all the millwork and put in the new
 08:01PM **15** Dunkin' finishes for that area of the store. We
 08:01PM **16** didn't touch the convenience store portion.
 08:01PM **17** ACTING CHAIRMAN GIANNOTTI: What did
 08:01PM **18** someone do? Is there a counter there?
 08:01PM **19** THE WITNESS: Yes, there's --
 08:01PM **20** ACTING CHAIRMAN GIANNOTTI: Chairs and
 08:01PM **21** seats or stools?
 08:01PM **22** MS. KNARICH: No.
 08:01PM **23** THE WITNESS: No, there's no seats that
 08:01PM **24** I'm aware of.
 08:01PM **25** ACTING CHAIRMAN GIANNOTTI: So no one

08:01PM **1** can go there, sit down and eat, so it's just takeout?
 08:01PM **2** THE WITNESS: It's all takeout.
 08:01PM **3** ACTING CHAIRMAN GIANNOTTI: Okay,
 08:01PM **4** that's all.
 08:01PM **5** Mr. Paster?
 08:01PM **6** MR. PASTER: No, I don't have anything
 08:01PM **7** for the architect.
 08:01PM **8** ACTING CHAIRMAN GIANNOTTI: Okay. At
 08:01PM **9** this time I'll open the meeting to the public to come
 08:01PM **10** and ask -- anybody here want to ask the architect any
 08:01PM **11** questions?
 08:01PM **12** (No response.)
 08:01PM **13** ACTING CHAIRMAN GIANNOTTI: If not,
 08:01PM **14** I'll close this portion of the meeting to the public.
 08:01PM **15** Proceed.
 08:01PM **16** MS. KNARICH: Thank you very much,
 08:01PM **17** Mr. Chairman.
 08:01PM **18** My next witness is Michael Kauker.
 08:01PM **19** ACTING CHAIRMAN GIANNOTTI: Is that the
 08:01PM **20** son of Michael Kauker?
 08:01PM **21** MS. KNARICH: Yes, it is.
 08:01PM **22** MR. KAUKER: One of them.
 08:01PM **23** ACTING CHAIRMAN GIANNOTTI: One of
 08:01PM **24** them.
 08:01PM **25** MR. KAUKER: Yes.

08:01PM 1 ACTING CHAIRMAN GIANNOTTI: I worked
 08:02PM 2 with your father when we did the master plan many
 3 years ago.
 4 MS. KNARICH: He mentioned that.
 5 MR. KAUKER: Okay. Yeah, I just said
 6 the last time I was in this building was maybe 20
 7 years ago.
 08:02PM 8 ACTING CHAIRMAN GIANNOTTI: That's how
 08:02PM 9 long we've been on this board.
 08:02PM 10 MS. KNARICH: He's aged.
 08:02PM 11 MR. KAUKER: A little bit.
 08:02PM 12 MS. KNARICH: If you want to take one
 08:02PM 13 and pass it down.
 08:02PM 14 MR. PASTER: Raise your right hand. Do
 08:02PM 15 you swear the testimony you're going to give to the
 08:02PM 16 board is the truth, the whole truth and nothing but
 08:02PM 17 the truth?
 08:02PM 18 MR. KAUKER: I do.
 08:02PM 19 M I C H A E L D. K A U K E R, PP, AICP
 08:02PM 20 356 Franklin Avenue #3, Wyckoff, New Jersey,
 08:02PM 21 having been duly sworn, testifies as follows:
 08:02PM 22 MR. PASTER: Can you give us your name,
 08:02PM 23 spell your last and state your professional
 08:02PM 24 affiliation for the record and --
 08:02PM 25 MR. KAUKER: Certainly.

08:02PM 1 My name is Michael D. Kauker, the last
 08:02PM 2 name is K-A-U-K-E-R.
 08:02PM 3 I'm a licensed professional planner in
 08:02PM 4 the State of New Jersey. I'm also a member of the
 08:02PM 5 American Institute of Certified Planners.
 08:02PM 6 And as far as my educational
 08:02PM 7 background, I have a BA in political science from
 08:02PM 8 Arizona State University and a master of urban
 08:03PM 9 planning from Hunter College in New York City.
 08:03PM 10 I've been employed in the field of
 08:03PM 11 planning since 1997. I served various planning and
 08:03PM 12 zoning boards throughout the State of New Jersey, as
 08:03PM 13 well as New York as a consultant.
 08:03PM 14 I've been qualified as an expert before
 08:03PM 15 probably about 500 or 600 times.
 08:03PM 16 ACTING CHAIRMAN GIANNOTTI: We'll
 08:03PM 17 accept him.
 08:03PM 18 THE WITNESS: Thank you.
 08:03PM 19 I appreciate it.
 08:03PM 20 DIRECT EXAMINATION
 08:03PM 21 BY MS. KNARICH:
 08:03PM 22 Q. I have just one question, your license
 08:03PM 23 is still in good standing?
 08:03PM 24 A. My license still is in good standing,
 08:03PM 25 yes.

08:03PM 1 Q. Thank you.
 08:03PM 2 A. So I guess I'll talk a little bit about
 08:03PM 3 the exhibit that I handed out to the board.
 08:03PM 4 These pictures were taken by myself
 08:03PM 5 last week. You can see it was of the nicer days and
 08:03PM 6 the exhibit basically depicts nine pictures of the
 08:03PM 7 site itself, the adjoining uses and also the
 08:03PM 8 surrounding area.
 08:03PM 9 ACTING CHAIRMAN GIANNOTTI: Eight
 08:03PM 10 pictures.
 08:04PM 11 THE WITNESS: You're right, eight
 08:04PM 12 pictures.
 08:04PM 13 ACTING CHAIRMAN GIANNOTTI: Pay
 08:04PM 14 attention.
 08:04PM 15 THE WITNESS: Yeah. You know what it
 08:04PM 16 is, I have this document saved as nine, because there
 08:04PM 17 are actually nine spaces, but one of them is not a
 08:04PM 18 picture, but thank you.
 08:04PM 19 So eight pictures, I stand corrected.
 08:04PM 20 Just going over the top line, these are
 08:04PM 21 all the structures located in the area along
 08:04PM 22 Livingston Street.
 08:04PM 23 So the photograph in the center is a
 08:04PM 24 photograph of the subject property. It shows the
 08:04PM 25 existing condition of the property, itself.

08:04PM 1 The picture to the left, which is the
 08:04PM 2 upper left-hand corner of the exhibit is the existing
 08:04PM 3 building immediately to the left of the property and
 08:04PM 4 then the photograph to the -- in the upper right-hand
 08:04PM 5 corner is the existing building located to the
 08:04PM 6 immediate right of the subject property as well.
 08:04PM 7 The other photographs, moving along, if
 08:04PM 8 you look at the center row of photographs, basically
 08:04PM 9 this gives you an idea of the nature and character of
 08:05PM 10 Livingston Street in this section.
 08:05PM 11 One of the things I did note with
 08:05PM 12 respect to Livingston Street, it's characterized by a
 08:05PM 13 number of commercial-type uses, there are some
 08:05PM 14 office-type uses there, a number of gas stations,
 08:05PM 15 there's the ShopRite shopping center as well. The
 08:05PM 16 large shopping center across the street, which
 08:05PM 17 contains multiple uses, there's a CVS, there's a
 08:05PM 18 Starbucks. You can see some of those in the
 08:05PM 19 photographs on the bottom, but the point was really
 08:05PM 20 that there's a variety of different uses along
 08:05PM 21 Livingston Street here, which all have, you know, a
 08:05PM 22 good amount of signage located on the street.
 08:05PM 23 So the point being with that was, you
 08:05PM 24 know, what we're proposing here, what I wanted to try
 08:05PM 25 to show the board is consistent with the established

08:05PM 1 character with respect to the signage along
 08:05PM 2 Livingston Street and I know I did hear some specific
 08:05PM 3 questions, which I'll address a little bit later with
 08:05PM 4 respect to the signage size and location and those
 08:05PM 5 type of things as well.

08:06PM 6 But with respect to the signage that's
 08:06PM 7 being proposed, the architect went over in detail the
 08:06PM 8 signs, but, essentially, what we're doing is we're
 08:06PM 9 re-branding the property or the building, itself, and
 08:06PM 10 the use with the Atlantis signage, refacing the
 08:06PM 11 building.

08:06PM 12 So the building is going to look a lot
 08:06PM 13 nicer than it currently looks. There's going to be a
 08:06PM 14 brand new façade and really what I'm going to try to
 08:06PM 15 show the board as well is that the signage that we're
 08:06PM 16 proposing is really an integral part of the
 08:06PM 17 architectural design of the building. If you look at
 08:06PM 18 the one exhibit or the one plan that was provided by
 08:06PM 19 the architect, I believe it was the signage exhibit
 08:06PM 20 and it was Sheet R1.0, it shows the signage and you
 08:06PM 21 can see that it compliments the proposed façade and
 08:06PM 22 the building, so...

08:06PM 23 So moving on, I'll get right to the
 08:06PM 24 heart of the matter. The property, itself, is
 08:06PM 25 located in the C-2 commercial district. There is an

08:06PM 1 existing gas station or convenience store located on
 08:07PM 2 the property, it's been there for a number of years.
 08:07PM 3 We talked a little bit about the freestanding pylon
 08:07PM 4 sign. That sign is not proposed to change except
 08:07PM 5 with refacing the sign to accommodate the Atlantis
 08:07PM 6 portion, but other than that, the size of the sign is
 08:07PM 7 remaining the same, the location of the sign is
 08:07PM 8 remaining the same.

08:07PM 9 If I can go a little bit out of order,
 08:07PM 10 I'm just going to address one of your comments,
 08:07PM 11 Ms. Raffay, in terms of the sign location. I think
 08:07PM 12 if you -- I didn't have an opportunity to look at
 08:07PM 13 that provision in the code, but what I would submit
 08:07PM 14 to the board is that it really would be a hardship to
 08:07PM 15 move that freestanding sign and if you've seen the
 08:07PM 16 site, it really is probably the only logical location
 08:07PM 17 for that sign. There really isn't anywhere else to
 08:07PM 18 put it in the internal portion of the site and if you
 08:07PM 19 look at the condition of the exiting buildings on
 08:07PM 20 either side, you couldn't really move it further
 08:07PM 21 back, because it would, kind of, be hidden and the
 08:07PM 22 whole purpose of the sign is to try to provide some
 08:07PM 23 direction to the use, itself.

08:07PM 24 Now moving on with respect to the
 08:08PM 25 specific variances that we're requesting, all of the

08:08PM 1 variances are characterized as C or bulk variances
 08:08PM 2 under the Municipal Land Use Law.

08:08PM 3 Mr. Paster, to address your question
 08:08PM 4 initially with respect to whether or not a D-6
 08:08PM 5 variance would be required for this, it's my opinion
 08:08PM 6 that it wouldn't. A D-6 variance is for the height
 08:08PM 7 of a principal structure. This sign is an accessory
 08:08PM 8 use on the property.

08:08PM 9 So I would submit to the board that I
 08:08PM 10 do not believe that a D-6 height variance would be
 08:08PM 11 required for this sign and, again, it's an existing
 08:08PM 12 sign that's located on the property. So I hope I
 08:08PM 13 addressed that question. If I can be more specific
 08:08PM 14 or answer anything else related to that, I'd be happy
 08:08PM 15 to do so.

08:08PM 16 But moving onto the signage variances,
 08:08PM 17 we require a number of variances for the signs in
 08:08PM 18 terms of the type, in terms of the size, in terms of
 08:08PM 19 the location and in terms of the number of signs
 08:08PM 20 itself.

08:08PM 21 First, with respect to the sign type,
 08:09PM 22 and I know your engineer had pointed this out in
 08:09PM 23 their review as well, we do propose some directional
 08:09PM 24 signs on the property. Those are not specifically
 08:09PM 25 permitted in the ordinance or really mentioned.

08:09PM 1 One thing I did note when I did review
 08:09PM 2 that section of the code with respect to the sign
 08:09PM 3 ordinances, you do permit other types of signage on
 08:09PM 4 the site, such as customary warning, trespassing and
 08:09PM 5 posted signs, which I think obviously are to provide
 08:09PM 6 information with respect to the site, itself, similar
 08:09PM 7 in the way to a directional sign does.

08:09PM 8 I think a directional sign especially
 08:09PM 9 on this property, because we do have the
 08:09PM 10 drive-through Dunkin' Donuts, I think it's something
 08:09PM 11 that's going to promote the safe and efficient
 08:09PM 12 traffic circulation throughout the property, itself.

08:09PM 13 So I think that that's something that
 08:09PM 14 would be a benefit for the property, itself.

08:09PM 15 With respect to the number of signs, we
 08:09PM 16 propose six total signs and then there's the menu
 08:10PM 17 board. So the six total signs that we're proposing,
 08:10PM 18 the three wall signs, the two directional signs, as
 08:10PM 19 well as the existing freestanding sign. Only three
 08:10PM 20 total signs are permitted.

08:10PM 21 I would submit to the board that I
 08:10PM 22 think the number of signs that we're proposing are
 08:10PM 23 appropriate. I just spoke a little bit about the
 08:10PM 24 directional signs in terms of the need for those
 08:10PM 25 signs to provide safe a efficient circulation on the

08:10PM 1 property, itself.

08:10PM 2 With respect to the existing building

08:10PM 3 itself, there are three signs that located on that

08:10PM 4 building. There are two signs and then there's an

08:10PM 5 existing sign box, which there's not a sign there

08:10PM 6 now, but apparently there was a sign at some point in

08:10PM 7 time. So there were three signs on the building,

08:10PM 8 itself.

08:10PM 9 So I would submit also to the board and

08:10PM 10 as I mentioned before, I think the signs that are

08:10PM 11 located on the building, itself, are appropriate as I

08:10PM 12 mentioned, because they are really an integral part

08:10PM 13 of the architectural design of the building, itself,

08:10PM 14 and I think it lends itself to the overall appearance

08:11PM 15 of the building.

08:11PM 16 Moving on, then there's another --

08:11PM 17 another variance that's somewhat related with respect

08:11PM 18 to the number of wall signs and I just spoke about

08:11PM 19 this. So that is another variance where two walls

08:11PM 20 signs are permitted and three wall signs are

08:11PM 21 proposed. Then there's another variance for the wall

08:11PM 22 sign height. The ordinance limits the height of wall

08:11PM 23 signs to 2 feet where we're proposing a height of

08:11PM 24 2 feet, 6 inches for the Dunkin' sign and 2 feet, 10

08:11PM 25 inches for the Atlantis sign and then the fresh

08:11PM 1 market -- or I'm sorry, the logo itself, the star on

08:11PM 2 the bottom is 4 feet, it's about 4 by 4.

08:11PM 3 So those signs all would require

08:11PM 4 variances for the height, the sign, itself, and,

08:11PM 5 again, I think given the fact -- I think it's

08:11PM 6 appropriate for a couple of reasons. Number one, I'm

08:11PM 7 not going to keep harping on the architectural design

08:11PM 8 of the building, but besides that fact, the building,

08:11PM 9 itself, is set back rather far from Livingston

08:11PM 10 Street.

08:12PM 11 In addition to that, you do have the

08:12PM 12 canopy and the pump islands that are located between

08:12PM 13 the building and the street as well, so I think that

08:12PM 14 it's appropriate for that reason as well.

08:12PM 15 Moving on, I know this was a question

08:12PM 16 raised by some of the board members with respect to

08:12PM 17 the wall sign area. Now, the ordinance limits the

08:12PM 18 area of a sign, a wall sign to 24 square feet. The

08:12PM 19 Dunkin' sign is 34.85 square feet. And, again,

08:12PM 20 excuse me, I'm just reading this, because like the

08:12PM 21 architect, I can't memorize all the numbers.

08:12PM 22 The Atlantis Fresh Market sign, which

08:12PM 23 is located immediately to the right, around the right

08:12PM 24 side of the building as you're looking at it, is

08:12PM 25 40.78 square feet and then the star logo is 16 square

08:12PM 1 feet. So that one actually does comply in terms of

08:12PM 2 the sign area.

08:12PM 3 So the variance is for the Dunkin' sign

08:12PM 4 and then the Atlantis Fresh Market sign, which are

08:12PM 5 located on the top of the building would be required

08:13PM 6 and, again, with respect to the justification for

08:13PM 7 that, I would submit to the board the same reasoning

08:13PM 8 and rationale in terms of the architectural design,

08:13PM 9 the location of the building being set back from the

08:13PM 10 property and then the intervening pump islands,

08:13PM 11 canopy as well.

08:13PM 12 There was one other variance with

08:13PM 13 respect to the menu board. So the menu board is

08:13PM 14 22.91 square feet in area. It's located on the north

08:13PM 15 façade toward the rear of the building and, again, I

08:13PM 16 think that that's justified and mitigated to a

08:13PM 17 certain extent, because it is smaller than the

08:13PM 18 existing menu board and it is also located in the

08:13PM 19 rear portion of the subject property. It's located

08:13PM 20 in the back if you're facing the building, the back

08:13PM 21 left-hand corner of the structure. So I don't think

08:13PM 22 that that would pose any detriment to the site,

08:13PM 23 itself.

08:13PM 24 So moving on with respect to the

08:13PM 25 overall justification for the grant of the

08:13PM 1 C variances, it's my opinion that the benefits that

08:14PM 2 would be derived due to the grant of the variance

08:14PM 3 would really outweigh any detriments for the

08:14PM 4 following reasons: As I mentioned, the façade and

08:14PM 5 the sign deviations would basically allow a visual

08:14PM 6 improvement to the subject property; and as I

08:14PM 7 mentioned, again, I'll mention it one more time and I

08:14PM 8 promise that that's it, it's an integral part of the

08:14PM 9 architectural design and structure. They serve to

08:14PM 10 provide proper identification to the site and promote

08:14PM 11 safe and appropriate identification and also

08:14PM 12 circulation through that.

08:14PM 13 So when you have a sign that is readily

08:14PM 14 visible, obviously you're going to have people that

08:14PM 15 would be able to identify the use and make

08:14PM 16 appropriate -- you know, obviously they'll have

08:14PM 17 enough time to turn into the building or whatever

08:14PM 18 else. You may have people that are coming through

08:14PM 19 the area that may not necessarily be that familiar

08:14PM 20 with the area.

08:14PM 21 I know that one of the things that

08:15PM 22 board members always say, that people who go to the

08:15PM 23 property, you know, live in town, but there are

08:15PM 24 other, you know, customers that do visit the site

08:15PM 25 other than people that do --

08:15PM 1 ACTING CHAIRMAN GIANNOTTI: We don't.
 08:15PM 2 THE WITNESS: What's that.
 08:15PM 3 ACTING CHAIRMAN GIANNOTTI: We don't
 08:15PM 4 say that.
 08:15PM 5 THE WITNESS: Oh, you don't? Okay.
 08:15PM 6 (Laughter.)
 08:15PM 7 THE WITNESS: Other than this board.
 08:15PM 8 I guess if you correct me one more
 08:15PM 9 time, I'm out, right? Three strikes and you're out.
 08:15PM 10 As I mentioned before, I talked about
 08:15PM 11 the signage that exists on Livingston Street. So I
 08:15PM 12 would also submit to the board that what we're
 08:15PM 13 proposing here is consistent with the character of
 08:15PM 14 the existing signage along Livingston Street as well.
 08:15PM 15 So for those reasons, I would submit to
 08:15PM 16 the board that the variances could be granted and
 08:15PM 17 they meet the positive criteria of the statute.
 08:15PM 18 They also further purposes of zoning,
 08:15PM 19 which we be promotion of the general welfare, again,
 08:15PM 20 through those same things, through the enhanced
 08:15PM 21 on-site circulation, better visibility and those
 08:15PM 22 types of things and then also another purpose would
 08:16PM 23 be to create a desirable visual environment and it's
 08:16PM 24 my opinion that the improvements to the building
 08:16PM 25 façade and the new signage would be a visual and

08:16PM 1 aesthetic benefit.
 08:16PM 2 Finally, with respect to the negative
 08:16PM 3 criteria, it's my opinion it would not be a
 08:16PM 4 substantial detriment to the public good. I've
 08:16PM 5 discussed in detail with respect to the board the
 08:16PM 6 proposed signage, its location, its size.
 08:16PM 7 Again, I think it's something that fits
 08:16PM 8 well on the property and within the scope and the
 08:16PM 9 design of the building and wouldn't have an impact on
 08:16PM 10 the surrounding area because of the existence of the
 08:16PM 11 other existing signs that are located along the
 08:16PM 12 street. And then I would also submit to the board
 08:16PM 13 that the second part of the negative criteria, we
 08:16PM 14 must show that there will be no substantial
 08:16PM 15 impairment to the intent and purpose of the zone plan
 08:16PM 16 or the zoning ordinance. It's my opinion although we
 08:16PM 17 don't meet the letter, I do believe we do meet the
 08:17PM 18 spirit and intent of your zoning ordinance.
 08:17PM 19 So for those reasons, I believe that
 08:17PM 20 the positive criteria would outweigh the negative
 08:17PM 21 criteria and I do feel confident that the board could
 08:17PM 22 grant the variances being requested this evening.
 08:17PM 23 And that's all I have, but I'd be happy
 08:17PM 24 to answer any questions.
 08:17PM 25 ACTING CHAIRMAN GIANNOTTI: Mr. Pothos?

08:17PM 1 MR. POTHOS: No questions.
 08:17PM 2 ACTING CHAIRMAN GIANNOTTI: Mr. Guyt?
 08:17PM 3 MR. GUYT: I have a question. I don't
 08:17PM 4 know who it should be directed to. There was a, if
 08:17PM 5 I'm not mistaken, a decorative beautification light
 08:17PM 6 pole on that property that was taken down a number of
 08:17PM 7 years ago and it's never been replaced.
 08:17PM 8 Now, I noticed in one of the pictures
 08:17PM 9 you have landscaping between the nice sidewalk and
 08:17PM 10 your property curb, someplace in this electrical
 08:17PM 11 foundation for a beautification light pole. I guess
 08:17PM 12 I have to check with the police department, right, to
 08:17PM 13 find out exactly why that hasn't or first of all, who
 08:17PM 14 knocked it down. I know the DPW picked it up and
 08:18PM 15 it's been dropped ever since.
 16 ACTING CHAIRMAN GIANNOTTI: That went
 17 with our streetscape.
 18 MR. GUYT: Right, correct.
 19 ACTING CHAIRMAN GIANNOTTI: Redesigned
 20 the building.
 21 MR. GUYT: And it's never been
 22 addressed since.
 23 ACTING CHAIRMAN GIANNOTTI: It's never
 24 been replaced.
 25 THE WITNESS: A decorative light pole.

1 ACTING CHAIRMAN GIANNOTTI: We have a
 08:18PM 2 streetscape going on on Livingston Street with all
 08:18PM 3 nice lights are going up. There was one there. It's
 08:18PM 4 not there anymore.
 08:18PM 5 MR. GUYT: And it, obviously, was hit
 08:18PM 6 from the property owner's side, not the Livingston
 08:18PM 7 Street side.
 08:18PM 8 THE WITNESS: Yeah, I did not really
 08:18PM 9 get a good close look at that, so I don't know the
 08:18PM 10 location.
 08:18PM 11 MR. GUYT: Yeah, it's not in any of the
 08:18PM 12 pictures. I'm just going by memory.
 08:18PM 13 THE WITNESS: Okay.
 08:18PM 14 MR. GUYT: And since we're talking
 08:18PM 15 about the property, if that can be addressed.
 08:18PM 16 THE WITNESS: So it was in the front
 08:18PM 17 island there.
 08:18PM 18 MR. GUYT: Correct.
 08:18PM 19 THE WITNESS: Okay.
 08:18PM 20 MR. GUYT: That's correct.
 08:18PM 21 ACTING CHAIRMAN GIANNOTTI: If you look
 08:18PM 22 at your picture on the -- I'm trying to find one.
 08:18PM 23 Let's see.
 08:18PM 24 THE WITNESS: Would you be able to see
 08:18PM 25 it on the island or is it --

08:18PM 1 MR. SILLERY: You see the base, maybe
 08:18PM 2 that's all.
 08:18PM 3 MR. GUYT: What I was referring to was
 08:18PM 4 I see the nice landscaping. I wouldn't doubt, which
 08:18PM 5 I've seen before, the mulch probably covered that
 08:18PM 6 base up, but there's --
 08:18PM 7 MR. SILLERY: There's got to be wires.
 08:18PM 8 MR. GUYT: Oh, there's wires for sure.
 08:19PM 9 MS. KNARICH: We have no issue with
 08:19PM 10 putting the light pole back.
 08:19PM 11 MR. GUYT: Yeah, I just wanted to get
 08:19PM 12 it addressed.
 08:19PM 13 MS. KNARICH: And it will look nicer,
 08:19PM 14 because it will be consistent with the rest of the
 08:19PM 15 properties along the streetscape.
 08:19PM 16 ACTING CHAIRMAN GIANNOTTI: Because the
 08:19PM 17 town right now, if you go along Livingston Street,
 08:19PM 18 you see they're taking care of all the ones that
 08:19PM 19 don't have the streetscape, but I think when they did
 08:19PM 20 that building over, they put that light in, but it
 08:19PM 21 has since disappeared.
 08:19PM 22 MS. KNARICH: I hope nobody hit it.
 08:19PM 23 ACTING CHAIRMAN GIANNOTTI: Somebody
 08:19PM 24 hit it.
 08:19PM 25 MS. KNARICH: Oh, really?

08:19PM 1 ACTING CHAIRMAN GIANNOTTI: Yes.
 08:19PM 2 Where is it?
 08:19PM 3 MR. GUYT: The DPW removed it and it
 08:19PM 4 was never reinstalled. I don't exactly know where it
 08:19PM 5 was left to be honest with you. I mean, a physical
 08:19PM 6 pole was down at the DPW, but where the fault lies, I
 08:19PM 7 don't know where that went.
 08:19PM 8 ACTING CHAIRMAN GIANNOTTI: Well, do
 08:19PM 9 you still have the pole?
 08:19PM 10 MR. GUYT: We wouldn't throw something
 08:19PM 11 like that out, it's quite expensive, 6 to 8,000.
 08:19PM 12 MS. KNARICH: Do you have a contact?
 08:19PM 13 MR. GUYT: I'm sorry?
 08:19PM 14 MS. KNARICH: Do you have a contact at
 08:19PM 15 the DPW?
 08:19PM 16 MR. GUYT: I am.
 08:19PM 17 MS. KNARICH: Oh, Mr. Guyt, is it all
 08:20PM 18 right if I give you a call to see about finding that?
 08:20PM 19 MR. GUYT: Absolutely.
 08:20PM 20 ACTING CHAIRMAN GIANNOTTI: Yes, yup.
 08:20PM 21 MS. KNARICH: We'll try if we can reuse
 08:20PM 22 it, we'll reuse it. If not, we'll put a similar
 08:20PM 23 decorative pole back up.
 08:20PM 24 ACTING CHAIRMAN GIANNOTTI: Okay, that
 08:20PM 25 would be great.

08:20PM 1 MR. SILLERY: I just have one question.
 08:20PM 2 The existing --
 08:20PM 3 ACTING CHAIRMAN GIANNOTTI: I didn't
 08:20PM 4 get to you.
 08:20PM 5 MR. SILLERY: Oh, okay.
 08:20PM 6 ACTING CHAIRMAN GIANNOTTI: Are you
 08:20PM 7 done, Mr. Guyt?
 08:20PM 8 MR. GUYT: Yeah.
 08:20PM 9 (Laughter.)
 08:20PM 10 MR. MORAN: Just real quick in regards
 08:20PM 11 to the site travel signs, the one at the entrance and
 08:20PM 12 the one at the exit, Mr. Young alluded to the fact
 08:20PM 13 that it probably would not impede a vehicle pulling
 08:20PM 14 out or pulling in.
 08:20PM 15 Would you concur with that?
 08:20PM 16 THE WITNESS: Yeah, I would, especially
 08:20PM 17 because there's a right -- there's a right-turn only
 08:20PM 18 leaving the site, I would agree with that, yes.
 08:20PM 19 MR. MORAN: And that they're just to
 08:20PM 20 kind of give some sort of visual queue as come in
 08:20PM 21 this way, do not come in that way?
 08:20PM 22 THE WITNESS: Yeah.
 08:20PM 23 And as I said, I think it's even more
 08:20PM 24 important a site like this because you do have that
 08:20PM 25 drive-through component to it.

08:21PM 1 ACTING CHAIRMAN GIANNOTTI: All right.
 08:21PM 2 MR. MORAN: That's it.
 08:21PM 3 ACTING CHAIRMAN GIANNOTTI:
 08:21PM 4 Mr. Sillery?
 08:21PM 5 MR. SILLERY: Thank you.
 08:21PM 6 The existing Dunkin' Donuts sign, is
 08:21PM 7 that illuminated?
 08:21PM 8 THE WITNESS: Which one.
 08:21PM 9 MR. SILLERY: The existing one on the
 08:21PM 10 building.
 08:21PM 11 THE WITNESS: On the building? I'm
 08:21PM 12 being told yes, it is.
 08:21PM 13 MR. SILLERY: The directional signs,
 08:21PM 14 the two, right, two directional signs? Are they
 08:21PM 15 going be illuminated?
 08:21PM 16 MR. YOUNG: Yes.
 08:21PM 17 MR. SILLERY: They're going to be lit?
 08:21PM 18 MR. YOUNG: Yes.
 08:21PM 19 MR. SILLERY: How are they going to
 08:21PM 20 look? What color?
 08:21PM 21 MR. YOUNG: It's an LED light. I
 08:21PM 22 believe it's a white background and then you have the
 08:21PM 23 DD letters in their colors and then the drive-through
 08:21PM 24 is in black, but the sign base or background is
 08:21PM 25 white.

08:21PM 1 MR. SILLERY: Okay.
 08:21PM 2 ACTING CHAIRMAN GIANNOTTI: I think
 08:21PM 3 that would be good, because you can see them at
 08:21PM 4 night.
 08:21PM 5 MR. SILLERY: You might, you might. I
 08:21PM 6 don't know, it depends. If it's obnoxious white
 08:21PM 7 light, it's not going to work, but if it's toned down
 08:22PM 8 and -- you know, I'm sure they can make it so it's --
 08:22PM 9 ACTING CHAIRMAN GIANNOTTI: It's going
 08:22PM 10 until at 11:30 at night, so people are going to see
 11 it.
 12 MS. KNARICH: It's not our intention to
 13 make it obnoxious, that's for sure.
 14 ACTING CHAIRMAN GIANNOTTI: Mr. Degen,
 15 any questions?
 08:22PM 16 MR. DEGEN: No questions.
 08:22PM 17 ACTING CHAIRMAN GIANNOTTI:
 08:22PM 18 Mr. McNerney?
 08:22PM 19 MR. McNERNEY: No questions.
 08:22PM 20 ACTING CHAIRMAN GIANNOTTI: The
 08:22PM 21 engineer, any questions?
 08:22PM 22 MS. RAFFAY: No questions.
 08:22PM 23 ACTING CHAIRMAN GIANNOTTI: Mr. --
 08:22PM 24 MR. PASTER: I'm good.
 08:22PM 25 MS. KNARICH: And just for the purposes

08:22PM 1 of the record, they're shut down when the
 08:22PM 2 drive-through is closed. So it's not going to be on
 08:22PM 3 all night.
 08:22PM 4 ACTING CHAIRMAN GIANNOTTI: No, I don't
 08:22PM 5 mean all night. I mean, the drive-in, what time is
 08:22PM 6 the drive-in open until?
 08:22PM 7 MS. KNARICH: Until 11:30, so it will
 08:22PM 8 be on until 11:30.
 08:22PM 9 ACTING CHAIRMAN GIANNOTTI: So you'll
 08:22PM 10 be in darkness, so you'll have lights people can see
 08:22PM 11 in a directional arrow in the dark.
 08:22PM 12 MS. KNARICH: Correct, but after 11:30
 08:22PM 13 they will be shut down.
 08:22PM 14 ACTING CHAIRMAN GIANNOTTI: Open the
 08:22PM 15 meeting to the public.
 08:22PM 16 Any public?
 08:22PM 17 (No response.)
 08:22PM 18 ACTING CHAIRMAN GIANNOTTI: Close the
 08:22PM 19 meeting to the public.
 08:22PM 20 MR. PASTER: Mr. Chairman, just one
 08:22PM 21 note, the 2007 approval limited the hours of
 08:22PM 22 operation from 5 a.m. to midnight. Is that -- you
 08:23PM 23 folks can live with that?
 08:23PM 24 MS. KNARICH: Yeah, that's what we have
 08:23PM 25 currently. We said 11:30, but --

08:23PM 1 MR. PASTER: Okay.
 08:23PM 2 MS. KNARICH: I guess if they're not
 08:23PM 3 too busy, they'll close at 11:30 or if they are --
 08:23PM 4 ACTING CHAIRMAN GIANNOTTI: Just for
 08:23PM 5 your memory, we never approved the ice machine in the
 08:23PM 6 first application. That came in after. So you have
 08:23PM 7 to rule on that if that's an accessory use or --
 08:23PM 8 MR. PASTER: Outside.
 08:23PM 9 ACTING CHAIRMAN GIANNOTTI: Is that
 08:23PM 10 outside storage?
 08:23PM 11 MR. PASTER: I don't think so, because
 08:23PM 12 --
 08:23PM 13 ACTING CHAIRMAN GIANNOTTI: If you feel
 08:23PM 14 like having a soda machine, is that outside storage?
 08:23PM 15 MR. PASTER: I don't think so, because
 08:23PM 16 it's not storage that -- you know, it's not like
 08:23PM 17 vehicles or something that comes and goes. It's a
 08:23PM 18 machinery that's going to be there permanently and
 08:23PM 19 you're going to just fill it and empty it.
 08:23PM 20 MS. KNARICH: And you have to pay for
 08:23PM 21 it inside.
 08:23PM 22 ACTING CHAIRMAN GIANNOTTI: It's just
 08:23PM 23 an ice bin.
 08:23PM 24 MS. KNARICH: Anybody that's run out of
 08:23PM 25 ice at a barbecue, knows that you have to have that

08:23PM 1 ice available, especially when it's hot. Hopefully
 08:24PM 2 the weather will change soon.
 08:24PM 3 ACTING CHAIRMAN GIANNOTTI: Any other
 08:24PM 4 witnesses.
 08:24PM 5 MS. KNARICH: Nope.
 08:24PM 6 ACTING CHAIRMAN GIANNOTTI: So you're
 08:24PM 7 asking for eight variance; am I correct? Am I
 08:24PM 8 correct? That's what I counted on here.
 08:24PM 9 MR. PASTER: I wasn't counting.
 08:24PM 10 ACTING CHAIRMAN GIANNOTTI: I'm just --
 08:24PM 11 I see eight yeses on this --
 08:24PM 12 MR. PASTER: Yeah, I'm just going
 08:24PM 13 through the narrative and --
 08:24PM 14 MS. KNARICH: I'm just having him
 08:24PM 15 count.
 08:24PM 16 ACTING CHAIRMAN GIANNOTTI: Could you
 08:24PM 17 just review what variances you're asking for?
 08:24PM 18 MS. KNARICH: Yeah.
 08:24PM 19 THE WITNESS: So there are multiple
 08:24PM 20 variances with respect to different like, for
 08:24PM 21 example, sign type, there's a variance for the -- I'm
 08:24PM 22 sorry, I'm reading and trying to -- I mean, I don't
 08:24PM 23 know if you want -- I don't know if you consider that
 08:24PM 24 some of these one or -- one or two variances.
 08:24PM 25 ACTING CHAIRMAN GIANNOTTI: Right

08:24PM 1 yeses.

08:24PM 2 THE WITNESS: I think the variances

08:24PM 3 were outlined in the application.

08:24PM 4 MS. RAFFAY: There's an additional one.

08:24PM 5 ACTING CHAIRMAN GIANNOTTI: Additional

08:24PM 6 one.

08:24PM 7 MS. RAFFAY: Yeah.

08:24PM 8 THE WITNESS: The location.

08:24PM 9 MS. RAFFAY: Because the height of the

08:25PM 10 star logo is actually a variance, which you already

08:25PM 11 talked about that.

08:25PM 12 THE WITNESS: Yeah, I didn't know if

08:25PM 13 you were considering those one or multiple, so...

08:25PM 14 MS. RAFFAY: I don't know. I mean, I

08:25PM 15 think you said that you have a variance for the

08:25PM 16 number of signs.

08:25PM 17 THE WITNESS: Yeah, I could go over

08:25PM 18 those again, if that would be helpful.

08:25PM 19 MR. PASTER: Maybe, because I'm the one

08:25PM 20 that's got to do the resolution, so total signs, sign

08:25PM 21 area, sign height, total number of wall signs.

08:25PM 22 THE WITNESS: Wall sign height, but

08:25PM 23 there are two signs that exceed -- actually, there

08:25PM 24 are three signs that exceed the height.

08:25PM 25 MR. PASTER: Yeah, three for the

08:25PM 1 height.

08:25PM 2 THE WITNESS: Right.

08:25PM 3 MR. PASTER: The number of wall signs,

08:25PM 4 number of total signs.

08:25PM 5 THE WITNESS: Yup.

08:25PM 6 MR. PASTER: Directional signs.

08:25PM 7 THE WITNESS: That type of signage --

08:25PM 8 MR. PASTER: And the freestanding sign

08:26PM 9 is existing, but we're just going to swap out the

08:26PM 10 signs?

08:26PM 11 THE WITNESS: Right, no variance for

08:26PM 12 that and then there was the variance, I believe, for

08:26PM 13 the wall sign area. Two of the signs -- you're

08:26PM 14 considering each sign a variance, right? So wall

08:26PM 15 sign area, it would be --

08:26PM 16 MR. PASTER: Well, not really. I'm --

08:26PM 17 I mean, yes, they are technically, but I'm lumping

08:26PM 18 them altogether.

08:26PM 19 THE WITNESS: Okay.

08:26PM 20 ACTING CHAIRMAN GIANNOTTI: Gregg, a

08:26PM 21 question, the menu board is small, do it need a

08:26PM 22 variance for that?

08:26PM 23 MR. PASTER: Yeah, because -- well, as

08:26PM 24 part of the total number of signs.

08:26PM 25 ACTING CHAIRMAN GIANNOTTI: Okay. Oh,

08:26PM 1 yeah, that's right.

08:26PM 2 MR. PASTER: It's conforming, but it's

08:26PM 3 the total number.

08:26PM 4 ACTING CHAIRMAN GIANNOTTI: Okay.

08:26PM 5 THE WITNESS: And you got the wall sign

08:26PM 6 area, right.

08:26PM 7 MR. PASTER: Correct, yes.

08:26PM 8 THE WITNESS: Okay. Yeah, I think that

08:26PM 9 --

08:26PM 10 MS. RAFFAY: Can I ask a clarification

08:26PM 11 on the area of the one wall sign, which is the

08:26PM 12 Atlantis Fresh Market sign? This might be splitting

08:26PM 13 hairs, but it's listed on the plans on the building

08:27PM 14 signage data table as 40.78 square feet and when I

08:27PM 15 multiply out what the area is drawn on the detail,

08:27PM 16 it's actually 40.96. I know it's small, but can we

08:27PM 17 just make it --

08:27PM 18 MR. YOUNG: Yeah, absolutely. I

08:27PM 19 researched that. The correct area is what we stated.

08:27PM 20 There was actually a dimensional discrepancy in CAD.

08:27PM 21 It rounded up by an eighth of an inch. So the area

08:27PM 22 is correct and I can provide the two --

08:27PM 23 MS. RAFFAY: The area listed on your

08:27PM 24 building signage data table, that one is correct?

08:27PM 25 MR. YOUNG: That one is correct.

08:27PM 1 MS. RAFFAY: Okay. So multiplying out,

08:27PM 2 if I take the dimensions on the Atlantis Fresh

08:27PM 3 Market, that's incorrect? And I know it's a small

08:27PM 4 thing. I just wanted to kind of make it clean.

08:27PM 5 MR. YOUNG: Yes, because I didn't -- I

08:27PM 6 checked the actual drawing and for some reason the

08:27PM 7 dimensions shown round it up by an eighth of an inch.

08:27PM 8 So it was an eighth of an inch, I believe, smaller in

08:27PM 9 either direction.

08:27PM 10 MS. KNARICH: And we'll have to submit

08:28PM 11 revised plans addressing the engineer's report.

08:28PM 12 MS. RAFFAY: Okay.

08:28PM 13 MR. YOUNG: Yes, here -- sorry, I was

08:28PM 14 looking for this. The sign -- the Atlantis Fresh

08:28PM 15 Market was listed as a 2-foot-10 high. It's actually

08:28PM 16 2-foot-9-and-seven-eighths inches high. It was

08:28PM 17 listed at 14-foot-5-and-a-half-inches wide. It's

08:28PM 18 actually 14-foot-5-and-three-eighths-inches wide. So

08:28PM 19 that one-eighth of an inch discrepancy created that

08:28PM 20 square footage discrepancy of a quarter square foot,

08:28PM 21 so the 40.78 is correct.

08:28PM 22 Ms. RAFFAY: I'm sorry, I don't mean to

08:28PM 23 split hairs on it. I just wanted to make it clean

08:28PM 24 for you.

08:28PM 25 MR. YOUNG: Thank you for bringing it

1 up, because I can address it.
 2 MS. KNARICH: And, Mr. Chairman, we'll
 3 revise the plans per the board engineer's report.
 08:28PM 4 ACTING CHAIRMAN GIANNOTTI: This is
 08:28PM 5 just something Mr. Guyt showed me a letter. His
 08:28PM 6 father, the other gentleman, built the original
 08:28PM 7 building on that site in 1960.
 08:28PM 8 MS. KNARICH: Get out.
 08:28PM 9 ACTING CHAIRMAN GIANNOTTI: They built,
 08:28PM 10 what do you call it, heavy equipment building.
 08:28PM 11 MS. KNARICH: And that's this property?
 08:28PM 12 ACTING CHAIRMAN GIANNOTTI: On that
 08:28PM 13 property. He showed me the letter from the town.
 08:28PM 14 MR. PASTER: If you want to take a trip
 08:28PM 15 down memory lane, that last 2007 application was
 08:28PM 16 probably the third or fourth one that I sat here with
 08:29PM 17 the board and my first time around, so the history
 08:29PM 18 runs deep.
 08:29PM 19 ACTING CHAIRMAN GIANNOTTI: Anything
 08:29PM 20 else?
 08:29PM 21 MS. KNARICH: That's it.
 08:29PM 22 ACTING CHAIRMAN GIANNOTTI: Do you want
 08:29PM 23 to sum up?
 08:29PM 24 MS. KNARICH: I'll be very quick if you
 08:29PM 25 want a summation.

08:29PM 1 ACTING CHAIRMAN GIANNOTTI: Do you want
 08:29PM 2 her to sum up?
 08:29PM 3 MR. PASTER: Yeah, be quick.
 4 (Laughter.)
 5 MS. KNARICH: To summarize, the
 6 proposed signs promote the general welfare by
 7 allowing motorists to read its message quickly,
 8 clearly and safely, thus in turn promoting safe and
 9 efficient vehicular circulation for the drive-through
 10 and throughout the overall site.
 11 It also provides for a more aesthetic
 12 using signage that is adequately sized for the
 13 building and overall site.
 14 The property is located along a heavily
 15 trafficked highway. Placing the signage in the front
 16 of the building will provide sufficient
 17 identification of the use of the property as a
 18 Dunkin' Donuts and Atlantis Fresh Market for passing
 19 motorists in need of fuel and other typically
 20 purchased items, such as coffee, newspapers, water,
 21 et cetera.
 22 The applicant believes that the
 23 benefits of granting the variance relief
 24 substantially outweigh any detriments and that the
 25 requested sign variances will not have a substantial

1 negative impact on the neighboring community or the
 2 zone plan and ordinance.
 3 It is respectfully submitted that this
 08:30PM 4 board grant the requested variance relief for
 08:30PM 5 signage.
 08:30PM 6 Thank you very much, Mr. Chairman.
 08:30PM 7 MR. PASTER: Was there a variance
 08:30PM 8 triggered by the height limitation bar? I didn't
 08:30PM 9 remember what we decided on that. I mean, we can
 08:30PM 10 probably just call that a design waiver.
 08:30PM 11 MS. KNARICH: Yeah, I think it's --
 08:30PM 12 MR. YOUNG: We didn't identify it as a
 08:30PM 13 variance.
 08:30PM 14 MR. PASTER: And then the only
 08:30PM 15 condition I noted or a couple of them, the canopy is
 08:30PM 16 coming down, it's going to be flat, the Dunkin'
 08:31PM 17 Donuts is going to be all take out and put a
 08:31PM 18 condition of approval that it will remain such.
 08:31PM 19 MS. KNARICH: Yes.
 08:31PM 20 MR. PASTER: And that the streetscape
 08:31PM 21 light pole will be replaced. Okay?
 08:31PM 22 MS. KNARICH: Yup.
 08:31PM 23 ACTING CHAIRMAN GIANNOTTI: I'll call
 08:31PM 24 for a motion.
 08:31PM 25 MR. POTHOS: I'll make a motion.

08:31PM 1 MR. GUYT: I'll second.
 08:31PM 2 ACTING CHAIRMAN GIANNOTTI: Mr. Pothos
 08:31PM 3 and Mr. Guyt.
 08:31PM 4 Do you want to read that back, what
 08:31PM 5 we're going to vote on?
 08:31PM 6 MR. PASTER: Nine sign variances and
 08:31PM 7 the conditions I just mentioned.
 08:31PM 8 ACTING CHAIRMAN GIANNOTTI: Okay,
 08:31PM 9 that's it.
 10 MS. COWLEY: Mr. Pothos?
 11 MR. POTHOS: Yes.
 12 MS. COWLEY: Mr. Guyt?
 13 MR. GUYT: Yes.
 14 MS. COWLEY: Mr. Giannotti?
 15 ACTING CHAIRMAN GIANNOTTI: Yes.
 16 MS. COWLEY: Mr. Moran is abstaining.
 17 MR. MORAN: Abstain.
 18 MS. COWLEY: Mr. Sillery?
 19 MR. SILLERY: No.
 20 MS. COWLEY: Mr. Degen?
 21 MR. DEGEN: Yes.
 22 MS. COWLEY: Mr. McNerney?
 08:31PM 23 MR. MCNERNEY: Yes.
 08:31PM 24 MS. COWLEY: Mr. Alfonso?
 08:31PM 25 MR. ALFONSO: Yes.

08:31PM 1
08:31PM 2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PASTER: Six/one.
MS. KNARICH: Mr. Chair, Ladies and
Gentlemen, thank you very much for your time. Have a
wonderful evening.
(Whereupon, this matter is concluded.
Time noted: 8:31 p.m.)

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
Public of the State of New Jersey, Notary ID.
#50094914, Certified Court Reporter of the State of
New Jersey, and a Registered Professional Reporter,
hereby certify that the foregoing is a verbatim
record of the testimony provided under oath before
any court, referee, board, commission or other body
created by statute of the State of New Jersey.
I am not related to the parties
involved in this action; I have no financial
interest, nor am I related to an agent of or employed
by anyone with a financial interest in the outcome of
this action.
This transcript complies with
regulation 13:43-5.9 of the New Jersey Administrative
Code.



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: May 13, 2022