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TOWNSHIP OF MIDDLETOWN
PLANNING BOARD
REGULAR MEETING

IN THE MATTER OF: :
 :
Application: 2018-203, SETH :
BELLER TRUST (WAWA) :
Block 807, Lot 1.02 :
Application for major site plan :
and minor subdivision with :
variances. :

TRANSCRIPT OF VIDEOTAPED
PLANNING BOARD MEETING
HELD ON DECEMBER 1, 2021

B E F O R E:

- DAVID MERCES, CHAIRMAN
- CARL RATHJEN
- KEVIN SETTEMBRINO
- JOHN RENTSCHLER
- STEVE SCHWEIZER
- ROSEANN ETESON
- VLAD BERSON
- JAY BANASIAK, ALTERNATE I

A L S O P R E S E N T:

- JAMES H. GORMAN, ESQ., BOARD ATTORNEY
- ERIN URIARTE, BOARD SECRETARY
- STEPHEN R. NEHMAD, ESQ., FOR THE APPLICANT

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2	<p>1 I N D E X</p> <p>2 WITNESS EXAMINATION BY PAGE</p> <p>3 STEPHEN MR. NEHMAD 5</p> <p>4 FORTWANGLER,</p> <p>5 AIA</p> <p>6 GARY DEAN, PE MR. NEHMAD 22</p> <p>7 MATTHEW SHARO, MR. NEHMAD 127</p> <p>8 PE</p> <p>9</p> <p>10</p> <p>11 E X H I B I T S</p> <p>12</p> <p>13 NUMBER DESCRIPTION PAGE</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
3	<p>1 MR. NEHMAD: Good evening, Mr. Chairman,</p> <p>2 Members of the Board. For the record, Stephen</p> <p>3 Nehmad, member of the firm Nehmad, Davis &</p> <p>4 Goldstein appearing on behalf of the applicant,</p> <p>5 Seth Beller Trust. Here this evening in person is</p> <p>6 Mr. Robert Beller -- (unintelligible). This, of</p> <p>7 course, is a continuation of our hearing which</p> <p>8 commenced on November 10th before you for site plan</p> <p>9 and subdivision approval and some variances chiefly</p> <p>10 related to signage to redevelop this approximately</p> <p>11 12-and-three-quarter acre site which, as you know,</p> <p>12 is located about half a mile down the road here</p> <p>13 on -- along Route 35 adjacent to the CVS near New</p> <p>14 Monmouth Road. The site -- the development, as you</p> <p>15 heard from Mr. Kennedy at the last meeting,</p> <p>16 proposes to subdivide the site, take about nine</p> <p>17 acres, just over nine acres of the site, propose a</p> <p>18 conservation easement along those nine acres and</p> <p>19 deed restrict that in perpetuity against any future</p> <p>20 development. We propose to redevelop, as you</p> <p>21 recall, the -- (unintelligible) -- building, one</p> <p>22 was Two Rivers Bank building. We're taking the</p> <p>23 drive-through overhang off of that, repurposing and</p> <p>24 redeveloping that for an office building, and the</p> <p>25 Friendly's, which was to the east of that site, is</p>	5

6

1 **MR. FORTWANGLER:** Several hundred, yes.
 2 **MR. NEHMAD:** Several how many?
 3 **MR. FORTWANGLER:** Hundred.
 4 **MR. NEHMAD:** Okay. And you're the --
 5 did the design architecture for the plan that's
 6 present before the board; is that correct?
 7 **MR. FORTWANGLER:** Correct.
 8 **MR. NEHMAD:** We would offer him as an
 9 expert, Mr. Chairman, in architecture.
 10 **CHAIRMAN MERCES:** Proceed.
 11 **MR. NEHMAD:** Thank you.
 12 **MR. GORMAN:** Excuse me. One procedural
 13 point.
 14 **MR. NEHMAD:** Sure.
 15 **MR. GORMAN:** Wawa or Seth Beller Trust
 16 has a videographer here and you have in front of
 17 you, in various spots there are microphones set up,
 18 so the videographer is recording the meeting both
 19 with a video and audio so that in the event that
 20 they want to make a transcript later on with a
 21 court stenographer, they will have that record
 22 available to them, not just calling in, getting a
 23 copy of our audio recording, they'll have their
 24 own. So when the light is on, they're recording.
 25 We're recording. Everyone's recording. Just, you

7

1 know, keep everything -- just remember, everything
 2 you say, whether it's to the side or faint or
 3 whatever, is going to get picked up and may be part
 4 of the record, maybe not. I would just caution
 5 everybody just to recognize that we're being
 6 recorded under two different systems which may have
 7 two different capabilities and there's no such
 8 thing as basically side-bar comments in this day of
 9 digital recording.
 10 **MR. NEHMAD:** Thank you, Mr. Gorman.
 11 Just so everyone is aware, my desire was
 12 to have our own stenographer here to make sure we
 13 could have a record prepared just in case. I can
 14 tell you it is impossible to get stenographers now
 15 to come out at night. You know, they just can't
 16 locate them. The only way I was able to find
 17 someone was to say get a videographer who -- and
 18 this is the second time I've ever had a
 19 videographer come to a hearing only because we
 20 couldn't locate a stenographer who would come out
 21 at night any longer. Just an odd quirk, so it
 22 wasn't because I wanted a videographer rather than
 23 a stenographer here, it was just because I couldn't
 24 find one, just FYI, so everyone is aware, but thank
 25 you, Mr. Gorman, for pointing that out.

8

1 Mr. Fortwangler, would you describe by
 2 reference to exhibits A-5 and A-6 the architectural
 3 treatments that --
 4 **MR. FORTWANGLER:** Yes.
 5 **MR. NEHMAD:** Can I pass these out, Mr.
 6 Chairman?
 7 **CHAIRMAN MERCES:** Yeah. Are these
 8 different ones than --
 9 **MR. NEHMAD:** Oh, you have them?
 10 **MR. GORMAN:** These are copies of what
 11 the board already has?
 12 **MR. NEHMAD:** Yes.
 13 **CHAIRMAN MERCES:** There's more sets for
 14 everybody, for the public if they want to look.
 15 **MR. NEHMAD:** May we proceed?
 16 **CHAIRMAN MERCES:** Yeah.
 17 **MR. NEHMAD:** These are the same ones we
 18 handed out last month. There's no switch going on
 19 here.
 20 **CHAIRMAN MERCES:** Everybody in the
 21 public has copies? There's extra copies up here if
 22 anybody wants one.
 23 **MR. NEHMAD:** Mr. Fortwangler, would you
 24 describe the architecture treatment of the proposed
 25 building by referencing A-5?

9

1 **MR. FORTWANGLER:** So A-5 is the proposed
 2 floor plan and elevations of the building. It's
 3 approximately 4,700 square feet. The total height
 4 of the building is 33.4 inches to the east tower
 5 out front. Building facade is primarily --
 6 (unintelligible) -- which is a stucco material and
 7 a stacked stone. Those materials wrap all the way
 8 around the building on all four sides. The front
 9 facade also has a -- (unintelligible) -- clad in
 10 Wawa red and the front tower has our single
 11 building mounted sign. The roof has both flat and
 12 pitched roof sections. The pitched roof is on the
 13 main tower out front. The flat roof is behind the
 14 parapet, which also hides all the mechanical
 15 equipment.
 16 **MR. NEHMAD:** So all the mechanical
 17 equipment is behind the parapet wall on the roof
 18 deck?
 19 **MR. FORTWANGLER:** Correct.
 20 **MR. NEHMAD:** Okay.
 21 **MR. FORTWANGLER:** The storefront framing
 22 on the front of the building extends to grade. All
 23 of the building mounted lighting will be LED and
 24 the housing color will accent the building.
 25 Should we move on to the --

<p style="text-align: right;">10</p> <p>1 MR. NEHMAD: The next, as shown on A-5, 2 all sides of the building are finished? 3 MR. FORTWANGLER: Correct. 4 MR. NEHMAD: And the stacked stone is 5 complimentary and matching on all facades? 6 MR. FORTWANGLER: On all facades. 7 MR. NEHMAD: It also compliments the 8 architecture of the sign that Mr. Kennedy testified 9 to at the last hearing? 10 MR. FORTWANGLER: It's the same 11 material, yes. 12 MR. NEHMAD: Okay. If you would move on 13 to the canopy, if you would, which is A-6. 14 MR. FORTWANGLER: A-6 actually holds 15 both the gas canopy and the trash enclosure. The 16 canopy, the columns on the canopy are clad in same 17 stacked stone that's on the building. This is 18 along the A-frame of the structure's roof and there 19 is a single sign on the canopy. 20 MR. NEHMAD: Okay. And the canopy, of 21 course, is located between the building and the 22 Route 35 right-of-way? 23 MR. FORTWANGLER: Correct. 24 MR. NEHMAD: Now, with respect to the 25 facade or building mounted signs, why don't you</p>	<p style="text-align: right;">12</p> <p>1 also? 2 MR. FORTWANGLER: The Wawa letters are 3 lit the same. The goose is lit on that one, same 4 with the letters. 5 MR. NEHMAD: I'm sorry. Would you 6 repeat that? 7 MR. FORTWANGLER: The goose is 8 internally lit on the canopy sign, same with the 9 letters. 10 MR. NEHMAD: Okay. That's the second 11 sign. Then there are two other signs called 12 standard signs interior to the canopy, correct? 13 MR. FORTWANGLER: Correct. So those are 14 located above the -- they stand between the gas 15 pumps, above the gas pumps, and those are 16 39.3 square feet each. There's two of those. 17 MR. NEHMAD: Okay. And is that the 18 total number of facade signs that you just 19 described? 20 MR. FORTWANGLER: Yes. 21 MR. NEHMAD: There's one on the 22 building, very small one on the canopy, and two 23 Spanish? 24 MR. FORTWANGLER: Correct. 25 MR. NEHMAD: And the total square</p>
<p style="text-align: right;">11</p> <p>1 point out to the board where they are located, the 2 signs. 3 MR. FORTWANGLER: The building mounted 4 signs back on A-5 was on the front tower and that 5 is 67.7 square feet. 6 MR. NEHMAD: And that's the only sign on 7 the entire Wawa building, correct? 8 MR. FORTWANGLER: Correct. That's the 9 only sign on this store. 10 BOARD MEMBER: And that sign is lit? 11 MR. NEHMAD: I'm sorry. 12 BOARD MEMBER: That's lit? 13 MR. NEHMAD: How is it illuminated? 14 MR. FORTWANGLER: The Wawa is internally 15 illuminated and the goose is backlit. 16 MR. NEHMAD: Okay. 17 MR. FORTWANGLER: The sign on the canopy 18 is located on the front corner facing the road and 19 that is 9.03 square feet. 20 MR. NEHMAD: And that's a rather small 21 sign, just Wawa? 22 MR. FORTWANGLER: Yeah. 23 MR. NEHMAD: That's the second sign? 24 MR. FORTWANGLER: Right. 25 CHAIRMAN MERCES: That sign's backlit,</p>	<p style="text-align: right;">13</p> <p>1 footage of those signs is how much? 2 MR. FORTWANGLER: 155.33. 3 MR. NEHMAD: And that is considerably 4 low -- below the 10 percent that the ordinance 5 allows for a facade on the building itself, 6 correct? 7 MR. FORTWANGLER: Correct. 8 MR. NEHMAD: Mr. Chairman, Board 9 Members, the Spanish signs are included because we, 10 we were well below in terms of aggregate square 11 footage, as your planner points out. The other 12 signs we view as pretty much necessary. The 13 ordinance allows the gas tank and that small sign, 14 we meet the ordinance requirement. The Spanish 15 signs, you know, I don't want to stand here and say 16 they're dispensable. If the board feels that there 17 is a problem in some way, we would be willing to 18 remove those. 19 BOARD MEMBER: Are they illuminated, the 20 Spanish? 21 MR. NEHMAD: I'm sorry. 22 BOARD MEMBER: The Spanish signs are 23 illuminated? 24 MR. FORTWANGLER: No. 25 MR. NEHMAD: No, they're not.</p>

<p style="text-align: right;">14</p> <p>1 Does that conclude the number of facade 2 signs that you --</p> <p>3 MR. FORTWANGLER: Yes.</p> <p>4 MR. NEHMAD: Any other pertinent aspects 5 of the architectural treatment that you haven't 6 previously told us about?</p> <p>7 MR. FORTWANGLER: Just the trash 8 enclosure. We have the same materials on the trash 9 enclosure as we used on the building and we have 10 lowered that trash enclosure to 8 feet to meet the 11 requirement.</p> <p>12 MR. NEHMAD: Okay. And the trash 13 enclosure has -- all the containers are fully 14 roofed at all times?</p> <p>15 MR. FORTWANGLER: The containers 16 themselves, yes.</p> <p>17 MR. NEHMAD: Yes. So birds can't come 18 in and --</p> <p>19 MR. FORTWANGLER: Correct.</p> <p>20 MR. NEHMAD: And there is a unique 21 proprietary system Wawa employs for the mechanics 22 of the gate system, etcetera, of the trash 23 enclosure? Where it swings, everything --</p> <p>24 MR. FORTWANGLER: Yes. There are two 25 gates on the trash enclosure for -- they are</p>	<p style="text-align: right;">16</p> <p>1 bank where that, the far south area and I think 2 that's important because I'd like to see people 3 come in there besides the second entrance. Will it 4 be entrance Wawa or just entrance?</p> <p>5 MR. NEHMAD: Wawa does employ 6 directional signage. You've seen them there.</p> <p>7 MR. RATHJEN: Yes.</p> <p>8 MR. NEHMAD: It says Wawa with entrance. 9 It is possible to put one up there. They're not 10 averse to it. I would just ask you hear from our 11 traffic engineer before making a decision on that.</p> <p>12 MR. RATHJEN: Okay.</p> <p>13 MR. NEHMAD: And then -- we're not 14 averse to it. If that's what the board wants, we 15 can do it.</p> <p>16 MR. RATHJEN: Okay. Fine.</p> <p>17 MR. BANASIAK: I have four questions but 18 hopefully not -- (unintelligible). The top of the 19 parapet at 23.10, the top of the, you know, the 20 system over the gas station, whatever that is, 21 that's 20 feet. How do all those heights compare 22 to surrounding gas station canopies, building 23 heights? Would it be -- do you know the heights of 24 the surrounding structures?</p> <p>25 MR. NEHMAD: I don't know for certain.</p>
<p style="text-align: right;">15</p> <p>1 custom-made gates, yes.</p> <p>2 MR. NEHMAD: And that, again, the 3 enclosure -- again, all of the improvements 4 compliment each other in terms of the zoning; would 5 that be an accurate statement?</p> <p>6 MR. FORTWANGLER: Yes.</p> <p>7 MR. NEHMAD: I don't think I have any 8 other questions of the witness at this time, Mr. 9 Chairman, unless any board members do.</p> <p>10 CHAIRMAN MERCES: Any questions of the 11 applicant?</p> <p>12 MR. RATHJEN: I have a question.</p> <p>13 CHAIRMAN MERCES: Yeah, sure.</p> <p>14 MR. RATHJEN: Thank you for putting the 15 canopies -- canopy over the pumps. The original 16 iteration you had, like, a flying wing which I 17 really didn't like.</p> <p>18 MR. NEHMAD: The wedge.</p> <p>19 MR. RATHJEN: The wedge, okay. The 20 flying wing, wedge, it looked like it was gonna 21 take off, it was gonna go flying, but in Leonardo 22 we have that same look but this one is fine.</p> <p>23 Question, the signs for entrance and 24 exit, when you were here last I asked particularly 25 to put a lit sign all the way out in front of the</p>	<p style="text-align: right;">17</p> <p>1 I know we are well within the permissible height of 2 the ordinance but -- and the height of other 3 similar canopies. I have another witness that 4 might be able to answer it, who's a more 5 well-experienced designer who could answer that, 6 Mr. Sharo, who will testify momentarily.</p> <p>7 MR. BANASIAK: That question -- 8 (unintelligible).</p> <p>9 All the heights of these structures, 10 how -- remind me again how tall the grading behind 11 is so that -- (unintelligible).</p> <p>12 MR. NEHMAD: Sure. Jim -- where is Jim 13 Kennedy? Jim, can you --</p> <p>14 We don't need to re-swear him, do we, 15 Counsel?</p> <p>16 MR. GORMAN: Mr. Kennedy was sworn last 17 time.</p> <p>18 MR. NEHMAD: Thank you. 19 Jim, can you answer the question about 20 the change in -- do you want to repeat the 21 question?</p> <p>22 MR. BANASIAK: Sure. So the heights of 23 all these structures, the top of the parapet, the 24 gas station canopy, roughly how much higher was the 25 slope behind the building relative to the height of</p>

18

1 all those structures?
 2 **MR. KENNEDY:** Okay. So how far do you
 3 want to go up? All the way to the residences
 4 behind or --
 5 **MR. BANASIAK:** Well, say the highest
 6 point.
 7 **MR. KENNEDY:** So looking at sheet 2 of
 8 15 with -- our existing conditions plan, it appears
 9 to me that the highest point would be off of
 10 Winding Brook Way and -- no. It gets higher as we
 11 go towards The Trail. The highest point would be
 12 Lot 11 and that --
 13 (Multiple parties speaking.)
 14 **MR. NEHMAD:** I have reading glasses on
 15 and I can't read it. Here, Stephen, maybe you can.
 16 **MS. ETESON:** Get in the light.
 17 **MR. FORTWANGLER:** Trying to read here
 18 that number.
 19 (Multiple parties speaking.)
 20 **MR. FORTWANGLER:** 124.3.
 21 **MR. KENNEDY:** So about 124 feet behind
 22 us.
 23 **MR. NEHMAD:** Is the elevation?
 24 **MR. KENNEDY:** That's the elevation and
 25 we're at about 70. That's about 50, roughly about

19

1 55 feet higher. The ground surface is about 55
 2 feet higher than our ground surface, so subtract
 3 the highest point from the --
 4 **MR. BANASIAK:** So that's about 20 feet.
 5 Very good. Thank you.
 6 **MR. NEHMAD:** If we look at our back --
 7 that elevation, 123, did you say, approximately?
 8 **MR. KENNEDY:** About.
 9 **MR. NEHMAD:** Okay. And the elevation
 10 where the Wawa building is going to be built is
 11 about 77, you said?
 12 **MR. KENNEDY:** In the 70s, yeah,
 13 depending where on the site.
 14 **MR. NEHMAD:** Okay. So we have a
 15 difference of 45 feet and our canopy still sits
 16 below that elevation.
 17 **MR. KENNEDY:** Yes, it does.
 18 **MR. NEHMAD:** Correct?
 19 **MR. KENNEDY:** The canopy, certainly,
 20 yes.
 21 **MR. NEHMAD:** Yes. The top of the
 22 canopy?
 23 **MR. KENNEDY:** Yes.
 24 **MR. NEHMAD:** Okay. Any other questions
 25 that you have for the architect or --

20

1 Thank you. I call our next witness, Mr.
 2 Chairman, Gary Dean.
 3 **CHAIRMAN MERCES:** Well, hold on. We'll
 4 just see if the public has any questions of his
 5 testimony. Before we move to the next one, anyone
 6 have any questions of his testimony?
 7 **MR. FAY:** I apologize for the last time,
 8 as well.
 9 **MR. GORMAN:** Get in front of the
 10 microphone, Mr. Dean, you can come up next.
 11 Did you -- were you sworn in last time?
 12 **MR. FAY:** No.
 13 **MR. GORMAN:** You were not, okay.
 14 Please raise your right hand.
 15 RONALD FAY, having been duly sworn, testified as
 16 follows:
 17 **MR. GORMAN:** Your full name and address.
 18 **MR. FAY:** Ron Fay, 11 The Trail.
 19 **MR. NEHMAD:** F-A-Y?
 20 **MR. FAY:** F-A-Y.
 21 **MR. GORMAN:** And this is -- as the chair
 22 said, this is for questions, not testimony. Just
 23 in case you slip you're sworn in.
 24 **MR. FAY:** Understood.
 25 **MR. GORMAN:** Try not to slip.

21

1 **MR. FAY:** Let me ask you a question.
 2 What was the first time you guys came here, how big
 3 was the Wawa?
 4 **MR. NEHMAD:** Approximately 5,500 square
 5 feet.
 6 **MR. FAY:** And that was --
 7 **MR. NEHMAD:** Just a little --
 8 **MR. FAY:** What's the requirement for the
 9 ordinance?
 10 **MR. NEHMAD:** The ordinance --
 11 interesting. The ordinance says each lot has to
 12 have a 5,000 square foot building or buildings on
 13 it. We meet that. The Wawa is 4,700 plus square
 14 feet. The bank, which we converted to an office,
 15 is 5,000 square feet at grade and 10,000 square
 16 feet total.
 17 Correct, Jim?
 18 **MR. FAY:** So that fits, then, okay.
 19 That's all my questions. Thank you.
 20 **MR. GORMAN:** Thank you, Mr. Fay.
 21 **MR. NEHMAD:** Thank you.
 22 May I proceed, Mr. Chair?
 23 **CHAIRMAN MERCES:** Anybody else in the
 24 public?
 25 All right. Proceed.

22	<p>1 MR. NEHMAD: Thank you.</p> <p>2 Mr. Gary Dean, come forward to be sworn,</p> <p>3 sir.</p> <p>4 MR. GORMAN: Please raise your right</p> <p>5 hand.</p> <p>6 GARY DEAN, PE, PP, having been duly sworn,</p> <p>7 testified as follows:</p> <p>8 MR. GORMAN: Your full name and business</p> <p>9 address.</p> <p>10 MR. DEAN: Certainly. Gary Dean,</p> <p>11 D-E-A-N. Professional address, 54 Olin Street in</p> <p>12 Ocean Grove, New Jersey.</p> <p>13 MR. NEHMAD: Mr. Dean, what is your</p> <p>14 occupation?</p> <p>15 MR. DEAN: I'm a consulting civil</p> <p>16 engineer that specializes in the area of traffic</p> <p>17 engineering and municipal consulting for traffic</p> <p>18 related matters.</p> <p>19 MR. NEHMAD: And how long have you been</p> <p>20 a licensed professional engineer in this state?</p> <p>21 MR. DEAN: Probably longer than I care</p> <p>22 to admit but since 1987.</p> <p>23 MR. NEHMAD: And you specialize in</p> <p>24 traffic engineering and transportation plan; would</p> <p>25 that be an accurate statement?</p>	24	<p>1 the board what your role, your charge has been in</p> <p>2 conjunction with this application from an overall</p> <p>3 perspective.</p> <p>4 MR. DEAN: Certainly. Obviously the</p> <p>5 board is aware that there is a bit of a history</p> <p>6 with this particular site in that the board first</p> <p>7 considered a different version of the subject site</p> <p>8 development and in that capacity I was first</p> <p>9 engaged by the applicant in 2016 and commenced with</p> <p>10 the preparation of a traffic impact analysis that</p> <p>11 was submitted for the original application.</p> <p>12 Subsequent to the board's deliberations on that</p> <p>13 particular site the applicant amended their plans</p> <p>14 and we accordingly updated our traffic impact</p> <p>15 study. Just by way of identification, that updated</p> <p>16 study is revised as of December 19th of 2019.</p> <p>17 MR. NEHMAD: And as such, you're fully</p> <p>18 familiar with the property in question, the</p> <p>19 surrounding road network, as well as the pertinent</p> <p>20 provisions of this community's land development</p> <p>21 ordinance as it affects your discipline; would that</p> <p>22 be accurate?</p> <p>23 MR. DEAN: It would, yes.</p> <p>24 MR. NEHMAD: Did you also render</p> <p>25 professional assistance to the applicant in</p>
23	<p>1 MR. DEAN: Yes.</p> <p>2 MR. NEHMAD: Now, are you a member of</p> <p>3 any professional organizations or societies?</p> <p>4 MR. DEAN: I am. I'm a member of the</p> <p>5 Institute of Transportation Engineers, which is the</p> <p>6 International Professional Organization of Traffic</p> <p>7 Engineers and Transportation Planners.</p> <p>8 MR. NEHMAD: And have you experienced</p> <p>9 education, as well, in your profession?</p> <p>10 MR. DEAN: I have. I'm a graduate of</p> <p>11 Lehigh University with a Bachelor of Science Degree</p> <p>12 in Civil Engineering. I'm a former member of the</p> <p>13 faculty of Lehigh University and Lafayette College,</p> <p>14 having served as an adjunct professor teaching</p> <p>15 transportation engineering and I've been qualified</p> <p>16 before this board, as well as roughly 400 other</p> <p>17 different planning and zoning boards throughout the</p> <p>18 state and my professional engineer's license</p> <p>19 remains in good standing.</p> <p>20 MR. NEHMAD: Thank you, very much.</p> <p>21 Mr. Chairman, I call him as an expert</p> <p>22 in -- (unintelligible).</p> <p>23 CHAIRMAN MERCES: Absolutely.</p> <p>24 MR. NEHMAD: Thank you.</p> <p>25 Mr. Dean, could you tell the members of</p>	25	<p>1 conjunction with sound location to the New Jersey</p> <p>2 Department of Transportation, also known as the</p> <p>3 DOT, for the highway access permit and to the</p> <p>4 Monmouth County Planning Board or Planning</p> <p>5 Department for the site plan and subdivision</p> <p>6 approval?</p> <p>7 MR. DEAN: Correct. Notwithstanding</p> <p>8 this board's consideration of that first</p> <p>9 application, the applicant had already commenced</p> <p>10 proceedings with County Planning Board, as well as</p> <p>11 New Jersey Department of Transportation, and given</p> <p>12 the investment in the site engineering and traffic</p> <p>13 engineering efforts with those agencies, the</p> <p>14 applicant continued to process those applications.</p> <p>15 We first received conditional approval from the</p> <p>16 County Planning Board in January of 2020. In April</p> <p>17 of 2020 we also received our final New Jersey</p> <p>18 Department of Transportation highway access permit</p> <p>19 for the design that is featured on the plans, and</p> <p>20 I'll ask Jim, just because I'll refer to that plan,</p> <p>21 for the overall site plan, but we received full</p> <p>22 permit approval from NJDOT, which essentially</p> <p>23 allows the applicant to go build a driveway today.</p> <p>24 We have that permit in hand. It runs with the land</p> <p>25 and continues for a two year period. We probably</p>

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1 will extend that permit given the time line
 2 associated with the processing of this application
 3 and then throughout 2020 and 2021 the applicant had
 4 worked with the County Planning Board to amend
 5 their conditional approval and as a result of
 6 considerable effort with the County Planning
 7 Board -- thank you, Jim -- that included very
 8 extensive studies of accident analyses,
 9 supplemental traffic counts, drone video of the
 10 actual operating conditions along New Monmouth
 11 Road, the CVS and Chase driveway, jug-handle,
 12 Route 35, after extensive review by the county over
 13 a period of at least a year, in June of 2021 the
 14 Monmouth County Planning Board again issued a full
 15 approval for the application as proposed.
 16 **MR. NEHMAD:** So would I be accurate in
 17 saying, Mr. Dean, accordingly, that the access
 18 proposed along Route 35 on the record site plan A-2
 19 that's on the board now, that access has a DOT
 20 highway access permit, correct?
 21 **MR. DEAN:** It does, and just for
 22 orientation purposes with the board, north
 23 generally is pointing to the top of the exhibit and
 24 where I'm highlighting with the pointer, but it is,
 25 it's generally at the center portion of A-2 is a

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1 right turn entering, right turn exiting the
 2 driveway on to Route 35. That is separated by
 3 channelizing their concrete island and that is a
 4 requirement of NJDOT. I would like to identify
 5 that there are two specific dimensions, inasmuch as
 6 your ordinance does make reference to driveway
 7 width standards and NJDOT curb line opening, which
 8 is the dimensions of the area on either side of the
 9 center dividing island for this application is less
 10 than 50 feet. I believe our entering curb line
 11 opening is 48 feet and our exiting curb line
 12 opening, which is the dimension of depressed curb
 13 to accommodate exiting traffic is roughly 38 feet,
 14 so we are compliant with the NJDOT standards and in
 15 my interpretation we meet, not by the letter of the
 16 law, the spirit and intent of your ordinance which
 17 does limit the width of the commercial driveway
 18 curb openings to 50 feet.
 19 **MR. NEHMAD:** Now, the access permit is
 20 approved, as you mentioned, from the DOT. That
 21 permit is in hand today, correct?
 22 **MR. DEAN:** It is.
 23 **MR. NEHMAD:** And we supplied the board
 24 and its professionals with a copy of that?
 25 **MR. DEAN:** I have not personally. Mr.

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1 Kennedy or you may have.
 2 **MR. NEHMAD:** We have, yes.
 3 **MR. DEAN:** Thank you.
 4 **MR. NEHMAD:** Now, we also have an access
 5 permit from the Monmouth County Department of
 6 Planning. They have jurisdiction because, as you
 7 know and we all know, New Monmouth Road is a county
 8 road. Would you point out on the plan where New
 9 Monmouth Road was?
 10 **MR. DEAN:** Well, New Monmouth Road is
 11 not actually depicted on the exhibit inasmuch as
 12 it's located -- it's off the plan itself and I want
 13 to identify a few features. I'll get to that.
 14 **MR. NEHMAD:** Sure.
 15 **MR. DEAN:** Immediately to the east of
 16 the proposed Wawa location is the existing Chase
 17 Bank. That is a relatively new development that
 18 was constructed when, if memory serves me, I think
 19 Value City or something like that, it was the old
 20 furniture store to the site and then a CVS was also
 21 constructed. As you look on the exhibit in a --
 22 unintelligible -- there is an internal access
 23 aisle that links the sites together and even though
 24 it goes off the page there is a driveway on the
 25 neighbor's property, which is the CVS, Chase site,

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1 and I'm going to refer to -- I don't know how it's
 2 marked.
 3 **MR. NEHMAD:** A-1.
 4 **MR. DEAN:** A-1, thank you. It's for
 5 identification purposes labeled aerial exhibit
 6 prepared by Kennedy Consulting Engineers and it
 7 shows the overall property in question, but the
 8 prior or old Friendly's building is where I
 9 highlighted in the middle of the -- of Route 35 but
 10 on the easterly edge of the subject property. The
 11 former bank building is located more in the center
 12 portion of the site and there is a shared driveway
 13 that -- over which there is an easement that allows
 14 our site traffic to traverse the neighboring site
 15 on Lot 1.01 and then have access directly out to
 16 New Monmouth Road. Even though this site, when I
 17 refer to this site, the subject site does not have
 18 access to New Monmouth Road, it does actually have
 19 frontage so the County Planning Board has
 20 jurisdiction over the site plan even though our
 21 site individually is not technically accessing New
 22 Monmouth Road. We're using the shared driveway.
 23 **MR. NEHMAD:** Okay. So as we are hearing
 24 you tonight this plan has received approval for
 25 both site plan and subdivision and the proposed

30

1 access to New Monmouth Road, as well, correct?
 2 **MR. DEAN:** It's been reviewed by and
 3 approved by the County Planning Board. It would be
 4 subject -- well, actually, there's not even a need
 5 for a work permit so -- because there is no
 6 construction, this County Planning Board approval
 7 concludes all of the county approvals that are
 8 necessary to begin construction on the site.
 9 **MR. NEHMAD:** Now, Mr. Dean, you prepared
 10 a traffic impact study --
 11 **MR. DEAN:** Yes.
 12 **MR. NEHMAD:** -- submitted in conjunction
 13 with this application. It was prepared in
 14 accordance with the methodology that is generally
 15 accepted in your profession, accepted by the DOT;
 16 would I be accurate in saying that?
 17 **MR. DEAN:** That is accurate, yes.
 18 **MR. NEHMAD:** Were there any exceptions
 19 taken to the results in the methodology of your
 20 study by either the Department of Transportation or
 21 the County Planning Department?
 22 **MR. DEAN:** I'll say at the end of the
 23 review process there were no exceptions taken to
 24 the methodology we had submitted and augmented
 25 those findings through, as I described, requests

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1 that the County Planning Board and their staff had
 2 made relative to a thorough and highly detailed
 3 analysis of issues, such as stacking of vehicles
 4 along New Monmouth Road, the operation of the
 5 traffic signals during the three critical peak
 6 hours that we identified, the operation and
 7 stacking within the jug-handle itself or the
 8 jug-handle that surrounds the adjoining bank
 9 building. All of that was reviewed in exhaustive
 10 detail by the county planning engineers.
 11 **MR. NEHMAD:** Okay. Now, could you tell
 12 us with -- could you tell us about the methodology
 13 that's generally accepted that applies in your
 14 study? Your study was performed in accordance with
 15 that accepted methodology. Could you summarize the
 16 results of the traffic impact study?
 17 **MR. DEAN:** Certainly. The traffic study
 18 includes the standard content that as a board you
 19 would expect to have, which are traffic counts,
 20 that is the staff visits the site during peak
 21 traffic hours. In the morning that occurs
 22 generally between 7 and 9 in the morning. In the
 23 afternoon on the weekdays between 4 and 6:30 and
 24 then on a Saturday we looked at those conditions
 25 from 11 a.m. to 2:00 p.m., which generally

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1 represents the confluence of retail shopping and
 2 people that may be out, you know, for example,
 3 going to soccer games and things of that nature on
 4 the weekends, so we felt that that was an
 5 appropriate period to study. With each of those
 6 counts we identified the 60 minutes when traffic is
 7 busiest. That's called the peak hour. It may vary
 8 by 15 minutes on a given day, but for discussion
 9 purposes and based on our counts, that occurred in
 10 the morning between 8 and 9, in the afternoon peak
 11 hour between 4:45 and 5:45, and on Saturday
 12 concentrated right around lunchtime, 11:45 to
 13 12:45, and over the past several years we've had a
 14 few interesting things that generally affect how
 15 traffic studies are conducted, principally COVID,
 16 and what has happened over the past two years
 17 generally, people have deviated from standard
 18 commuting patterns. We've seen more work from
 19 home. We've seen visual -- virtual meetings.
 20 We've seen remote learning for schools. As we've
 21 emerged from the pandemic and we start to see
 22 patterns change, we recently updated our traffic
 23 counts in October of this year. We did so simply
 24 to verify, and in anticipation of this process, the
 25 question of, Mr. Dean, your counts were done in

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1 2018 and 2019, you know, it's now 2021, things have
 2 changed. Well, they changed, indeed, they're
 3 lower, or at least they have been. When we went
 4 out and conducted our counts in October we found,
 5 and now that we've emerged and schools are back in
 6 session, we found that there is literally a
 7 difference of, and if I look at the total
 8 intersection volume of New Monmouth Road and
 9 Route 35, there is a difference in the peak hour
 10 counts of two vehicles. There are 2,378 vehicles
 11 traveling through that intersection in one hour and
 12 when we did the counts roughly a month ago it was
 13 2,380, a difference of two, so the morning
 14 conditions are the same for a Wawa. I would think
 15 that's relevant. Our afternoon conditions, the
 16 evening peak hour today were slightly high, two
 17 percent higher, not a lot. On Saturday those
 18 counts were actually two percent lower, so from
 19 traffic engineering perspective data hasn't changed
 20 enough to warrant or otherwise negate the
 21 conclusions reached in our traffic study so we
 22 verified that the data we used continues to remain
 23 relevant and will do so for the foreseeable future.
 24 **BOARD MEMBER:** Sir, excuse me. You used
 25 a percentage. What's the absolute number for two

<p style="text-align: right;">34</p> <p>1 percent higher?</p> <p>2 MR. DEAN: Say again.</p> <p>3 BOARD MEMBER: What is the actual number</p> <p>4 for the two percent higher for the volume of cars</p> <p>5 coming in and out at those peak hours?</p> <p>6 MR. DEAN: In the evening peak hour it</p> <p>7 was 3,504 in 2018 and in 2021 it was 3,577. That's</p> <p>8 a two percent increase. On Saturday in 2018 the</p> <p>9 total intersection volume was 3,760 and in 2021 it</p> <p>10 was 3,683, so that's a two percent decrease, not</p> <p>11 enough, again, statistically to say our study is</p> <p>12 somehow invalid. Our traffic study then sets forth</p> <p>13 revised projections for the smaller Wawa building,</p> <p>14 and as you've heard, the original building was</p> <p>15 5,500 and change square feet. The applicant has</p> <p>16 reduced the size of the building to now about 4,736</p> <p>17 so, accordingly, there's now less projected traffic</p> <p>18 than we had first considered when the application</p> <p>19 was previously before you. Our traffic study</p> <p>20 follows all of the standard industry practices,</p> <p>21 follows the DOT guidelines and does confirm with no</p> <p>22 exception taken by either agency. One important</p> <p>23 characteristic of a Wawa with fueling positions in</p> <p>24 particular is, yes, it attracts traffic. We know</p> <p>25 that they're busy. I'm not gonna disguise that,</p>	<p style="text-align: right;">36</p> <p>1 theory 25 percent of the projected site traffic is,</p> <p>2 in fact, new and we included that in our analyses.</p> <p>3 On Saturday that pass-by percentage is only</p> <p>4 50 percent, so our modeling and our studies are</p> <p>5 conservative inasmuch as it assumes really that a</p> <p>6 good portion of the site traffic that we know</p> <p>7 otherwise is already at the front door, in fact,</p> <p>8 would be coming new to the corridor and that was</p> <p>9 included in our study, as well.</p> <p>10 The test in all of these studies is does</p> <p>11 the level of service change at a given off tract</p> <p>12 intersection. The level of service is a traffic</p> <p>13 engineer's almost report card for qualitatively</p> <p>14 assessing how an intersection operates. An A on</p> <p>15 the report card is very favorable, a super passing</p> <p>16 grade, meaning traffic flows really smoothly,</p> <p>17 quickly and gets through without very much delay at</p> <p>18 all. At the other end of the spectrum particularly</p> <p>19 with traffic signals is level of service F and</p> <p>20 that's a condition, not necessarily failing, but it</p> <p>21 means the motorist will wait more than 80 seconds</p> <p>22 to get through the intersection. The way we</p> <p>23 evaluate the true impact on a given land</p> <p>24 development is to look at the conditions that we</p> <p>25 project several years, meaning it takes a while to</p>
<p style="text-align: right;">35</p> <p>1 but the nature of that traffic is very important</p> <p>2 and the reason that Wawas are located, and their</p> <p>3 competitors, typically on state highways is very</p> <p>4 simple, it's where the traffic already is, and when</p> <p>5 a use like this comes on a new corner, the people</p> <p>6 that are already coming by literally the front</p> <p>7 door, either on Route 35 or New Monmouth, will find</p> <p>8 this site to be a convenient place to stop, get</p> <p>9 fuel, get a snack and continue on the way they were</p> <p>10 going. That's called a pass-by trip and it's</p> <p>11 called that because it derives, most of its</p> <p>12 traffic, from traffic already passing by the front</p> <p>13 door. It's not unusual. It's already there.</p> <p>14 That's why these particular uses are situated at</p> <p>15 corners typically on state highways. We have done</p> <p>16 studies where we've actually interviewed customers</p> <p>17 for Quick Chek but they're the same and we found</p> <p>18 that during peak hours at least 85 to 90 percent of</p> <p>19 the customers tell us that they were on their way</p> <p>20 to work, so it's generally the --</p> <p>21 (unintelligible) -- traffic, diverting is probably</p> <p>22 a better term, from the passing traffic stream. In</p> <p>23 our study DOT requires applicants to use lower</p> <p>24 pass-by percentages and we follow the DOT's</p> <p>25 methodology using only 75 percent, which means in</p>	<p style="text-align: right;">37</p> <p>1 get through this process and get our agency</p> <p>2 approvals and then build the site, so we generally</p> <p>3 look two years into the future when the facility</p> <p>4 would open and we look at the operating conditions,</p> <p>5 in this case Route 35 and New Monmouth Road, both</p> <p>6 without the site, in other words, this site's never</p> <p>7 developed, it stays the way it is, and once the</p> <p>8 site is developed, with all of that new traffic</p> <p>9 that I've mentioned is conservatively overestimated</p> <p>10 from what typically is the case and I'm pleased to</p> <p>11 say, and I will just refer board members to the</p> <p>12 figures that are appended to our report, which are</p> <p>13 figures 15 and figures -- and figure 16, excuse me,</p> <p>14 which shows level of service at New Monmouth Road</p> <p>15 or Route 35 both with and without the site, should</p> <p>16 I say without the site and with the site,</p> <p>17 respectively, there will be no level of service</p> <p>18 changes at that intersection attributed to the</p> <p>19 development of this site. As it's a permitted use,</p> <p>20 we have the expectation that your zoning ordinance</p> <p>21 and zone plan anticipated that those traffic</p> <p>22 impacts would generally be acceptable, but this</p> <p>23 entire process in the traffic study quantifies that</p> <p>24 expectation and demonstrates that there will be no</p> <p>25 change in level of service. We also included a</p>

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1 full table that was appended to our report that
2 numerically shows what I've just described. I
3 won't deny the fact that it would be a little more
4 delay if we add a few more cars to the intersection
5 by the very nature delay the time the motorist
6 waits to go up, but it is within the same range of
7 levels of service so that we will not have any
8 change in level of service and, most importantly,
9 the DOT has confirmed those findings and obviously
10 issued the access permit inasmuch as it meets their
11 standards. That is the extent of the overall
12 traffic study but because we've received our
13 outside agency approvals I think the more
14 appropriate discussion relative to this process
15 pertains to the on-site circulation.
16 **MR. NEHMAD:** Well, let's -- before we
17 get there, let me ask you a couple more questions
18 about the off site, the DIS traffic impact study
19 and the work that you've done.
20 You also studied the delay in the
21 queuing lines of cars along New Monmouth Road to
22 see if that, if it would be appropriate to route
23 some of the traffic through the easement which
24 exists from the site across the Chase Bank and the
25 CVS, correct?

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1 **MR. DEAN:** Correct.
2 **MR. NEHMAD:** Tell us what you did to
3 analyze the traffic and what conclusions you came
4 to and why.
5 **MR. DEAN:** That segues nicely into the
6 on site discussion. So while I had previously been
7 focusing on the off tract impacts, we now, and to
8 Mr. Nehmad's question, are starting to discuss the
9 on site traffic impacts and that is the efficiency
10 and operations of the driveway. We still use the
11 same level of service measurement in the standard.
12 It's a little different because we don't have a
13 traffic signal regulating the driveways. Each of
14 those driveways is controlled with a stop sign, but
15 based on the gaps involving the traffic on Route
16 35, and similarly to the traffic volumes and gaps
17 on New Monmouth Road, we have also calculated
18 levels of service for each of those driveways. We
19 are obviously sending some traffic through the
20 easement. That's good and sound planning and I
21 will explain why that connection is desirable. I'm
22 pleased to say that for our Route 35 driveway, at
23 all peak hours we will have level of service C, so
24 that's a level A of about 35 seconds or less during
25 peak hours and that's regulated to an extent by the

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1 upstream traffic signals further to the north or
2 west. On New Monmouth Road we have a similar
3 condition for say southbound traffic in that when
4 the signal is green on Route 35, no one is coming
5 directly across New Monmouth Road and so that one
6 section of southbound New Monmouth Road between 35
7 and the site driveway is generally free from
8 traffic but for the occasional right turns coming
9 south, so the majority of breaks in New Monmouth
10 Road traffic are originating from further to the
11 south. During our morning peak hour our driveway
12 operations are actually projected at level of
13 service B and that's partly because CVS, if they're
14 open, generates almost nothing and similar with
15 Chase, so Wawa traffic essentially has all that
16 driveway capacity to its own and in the afternoon
17 on Saturday hours that driveway is projected to
18 also operate at a level of service C. To Mr.
19 Nehmad's question, a lot of the county's review
20 focused on stacking along New Monmouth Road and we
21 recognize that when the light is red and it favors
22 Route 35 that there is queuing of traffic. That's
23 one of the reasons during our county review process
24 we measure, we monitor the extent of blockage in
25 that driveway. Now, this is a driveway the

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1 applicant didn't create. It's on the CVS lot and
2 this board or the zoning board, I don't know who
3 reviewed it, but approved that continued use of
4 that driveway for CVS and Chase, so whatever
5 conditions are associated with stacking and
6 queuing, everybody said it was okay for CVS and
7 Chase, so as we now look at it for Wawa, we still
8 have the same relative freedom, it's not blocked
9 entirely at peak hours, we recognize and we've seen
10 it from the drone footage, there's a period when it
11 gets to the site driveway or a little bit beyond
12 and what happens, well, anyone trying to leave the
13 CVS driveway just waits in the driveway, as do
14 people in the jug-handle. They can't go until the
15 light turns green and it essentially flushes out
16 all of that traffic going north on New Monmouth
17 Road, and with that we modeled that extensively to
18 the county and we found that the queuing consists
19 of three components. It's actually the traffic on
20 New Monmouth Road, it's the traffic coming around
21 the bank and waiting on the jug-handle and that
22 traffic, some of it, waits in the CVS driveway.
23 Those three components all add up to the traffic
24 that ultimately gets the light and continues north.
25 One of the things that this intersection has

<p style="text-align: right;">42</p> <p>1 working to the advantage of the site is what's 2 called a split phase, meaning Route 35 goes at one 3 time but when the light turns red on Route 35 4 southbound New Monmouth Road then goes 5 independently and that allows left turns to go 6 further south and traffic to turn right. 7 Meanwhile, northbound New Monmouth Road sits there 8 and waits and when the light eventually turns green 9 for New Monmouth Road, there's no opposing traffic 10 and that's what allows that system to work very 11 efficiently and allows traffic to come out of the 12 site driveway and continuing north, and culminating 13 I think at least a year with the county, and they 14 made me do my homework, we did finally receive 15 their approval and consent for the continued use of 16 the shared driveway. 17 MR. NEHMAD: Now, in analyzing that you 18 actually flew a drone during the peak periods, 19 representing the peak periods to actually confirm 20 what the queue was on northbound New Monmouth Road, 21 correct? 22 MR. DEAN: Correct, and one of the 23 conclusions we reached is, just by way of example, 24 the County Planning Board first wanted to actually 25 close the driveway and then maybe restrict left</p>	<p style="text-align: right;">44</p> <p>1 MR. NEHMAD: And that's why you 2 specified earlier that you utilized that alternate 3 access is a good thing or a positive development 4 from a traffic engineering and planning 5 perspective? 6 MR. DEAN: And it's even written into 7 the NJDOT access code, that says wherever possible, 8 alternative access should be provided, and we met 9 that plan objective through the shared driveway. 10 It's also important, too, because you can see that 11 the applicant's site, I'm outlining it, is a 12 substantial piece of property. The County Planning 13 Board also asks, well, why can't you just build 14 your driveway further to the south on New Monmouth 15 Road and in -- out of environmental respect for 16 that entire property, the buffer it affords to the 17 neighboring residences further south and the fact 18 that each new driveway is another potential point 19 of conflict on arterial roads, it made no sense to 20 just put in another driveway to the roads. 21 MR. RATHJEN: I have a question. The 22 entrance further north of your entrance, I know 23 it -- I guess you did not take that into your 24 survey with the state. Why didn't you take that 25 into the survey? Because that would be -- I mean,</p>
<p style="text-align: right;">43</p> <p>1 turns and we said we can't, it's not our driveway. 2 You guys already approved it for CVS and we don't 3 control that and you said it was okay. Let's say 4 hypothetically we could, our traffic couldn't make 5 a left to go up to the light. What would make the 6 most sense? Well, they have to get on Route 35. 7 Putting more traffic on the highway is of no one's 8 interest, especially the customers. Why get back 9 on the highway if you don't need to. The second 10 thing it does, it then forces all of that traffic 11 to come around and use the jug-handle, and guess 12 what, that traffic, it could have exited our 13 driveway at a point further south, it winds up 14 trying to merge with New Monmouth Road closer to 15 the intersection and we didn't feel that that was a 16 worthwhile effort to aggravate the operation of 17 that jug-handle when we can simply use the site 18 driveway to better queue and store that traffic. 19 Took a long time to convince the county of that but 20 ultimately it was decided. It makes no sense to 21 force that traffic through the signal twice simply 22 to go north on Route 35 and that's the design that 23 we now have before us and that's why it was called 24 alternative access, where you have a corner lot is 25 always desired by the state.</p>	<p style="text-align: right;">45</p> <p>1 you could just do a stacking of almost eight cars 2 or seven cars if they took -- which you don't have. 3 You're showing that north entrance. 4 MR. NEHMAD: I'm sorry. I don't 5 understand the question. 6 MR. RATHJEN: Where the bank is. 7 MR. NEHMAD: The driveway further -- 8 MR. RATHJEN: Yes. 9 MR. DEAN: Yes. 10 MR. RATHJEN: I would think -- I don't 11 see that you -- did you work that into the study 12 itself? 13 MR. DEAN: Well, it's only an ingress so 14 there's nothing to study. In other words, 15 traffic -- 16 MR. RATHJEN: It's just an entrance. 17 MR. DEAN: -- it just comes right in. 18 There's no level of service. It's basically -- 19 think of it as an exit ramp. 20 MR. RATHJEN: Okay. 21 MR. DEAN: The state was aware because 22 the entirety of the site -- and I'll move on to the 23 site plan now. It's a little easier to see the 24 details. To your question and just for 25 identification, there is an existing angled</p>

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1 driveway at roughly a 45 degree orientation that
 2 enters the westerly portion of the site at the
 3 northeast -- northwest corner of the former bank
 4 building. The state did consider the presence of
 5 that driveway, the exit driveway that is between
 6 the sites and the new right in, right out driveway
 7 in their review and approval of the permit.
 8 **MR. RATHJEN:** I would say most of --
 9 once -- if you do build this, I think a lot of
 10 local people will be taking that first entrance
 11 way. I really do.
 12 **MR. DEAN:** I don't disagree with you and
 13 for that reason I don't know that we need to sign
 14 it, because the local people that will comprise the
 15 majority of the site traffic will know it's there.
 16 **MR. RATHJEN:** Yeah.
 17 **MR. DEAN:** There's relief that's needed
 18 from the zoning perspective for extra signage. I
 19 don't know that I would want to encourage more flow
 20 of traffic not familiar with the site to use that
 21 driveway and in -- appropriately uses the driveway
 22 that conforms with your ordinance. It has 100 foot
 23 throat depth. That was the one of the concerns the
 24 board expressed in the original application so the
 25 applicant went and redesigned this driveway, which

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1 I want to say, the CVS driveway doesn't have it,
 2 but we've complied with your ordinance standards
 3 and I think given the sign, the ID sign that is
 4 proposed at the northeast corner will appropriately
 5 direct, and as for the pricing information, for
 6 those unfamiliar with the extra driveway will
 7 appropriately use the driveway as it was designed
 8 to accommodate that traffic.
 9 **MR. NEHMAD:** So from a traffic
 10 engineering and transportation planning
 11 perspective, although, of course, the directional
 12 sign could be brought on that driveway to the left
 13 of the plan to the --
 14 **MR. DEAN:** Yes.
 15 **MR. NEHMAD:** -- left of the site, you
 16 think it's better to encourage traffic to utilize
 17 the main entrance since it's geometrically larger
 18 and more spacious and has a greater sight distance;
 19 would that be an accurate statement?
 20 **MR. DEAN:** It would be accurate, and
 21 more importantly, we know that the township has
 22 this 100 foot throat width standard. I don't
 23 believe that that westerly driveway meets that 100
 24 foot standard and so in light of the projected
 25 traffic for Wawa, I would feel more comfortable

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1 directing it to its appropriate driveway that was
 2 designed in accordance with your standards.
 3 **MR. NEHMAD:** Now, Mr. Dean, the traffic
 4 impact study you did was all -- found at all
 5 acceptable levels of service that you just
 6 described, all the affected driveways and
 7 intersections; would that be an accurate statement?
 8 **MR. DEAN:** Well, there are, and I -- you
 9 know, in full disclosure, there are levels of
 10 service F and E on Route 35. They're principally
 11 during evening peak hour but those would not change
 12 as a result of this project.
 13 **MR. NEHMAD:** Right.
 14 **MR. DEAN:** Those are preexisting
 15 conditions that would exist irrespective of this
 16 application, but this application does not affect
 17 this.
 18 **MR. NEHMAD:** And the DOT issued the
 19 highway access permit, which it would not have
 20 issued, I take it, if it found that there was some
 21 unacceptable level of service caused by the
 22 incremental traffic from this Wawa; is that a fair
 23 statement?
 24 **MR. DEAN:** And the DOT access code
 25 requires an applicant that deteriorates the level

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1 of service to fix it, either contribute towards
 2 long-range improvement or actually make an
 3 improvement and we were not subject to that
 4 mitigation.
 5 **MR. NEHMAD:** Okay. Let's shift our
 6 focus, if we can, from traffic engineering
 7 perspective to on site circulation. Did you also
 8 examine the on site circulation, as well?
 9 **MR. DEAN:** I did.
 10 **MR. NEHMAD:** Tell us what your findings
 11 and conclusions are -- have been and are.
 12 **MR. DEAN:** Sure. As I indicated, there
 13 were certain exceptions taken with the prior
 14 application given the design that parenthetically
 15 met the DOT standards but did not feature the
 16 throat length that this township requires so the
 17 applicant heard the concerns expressed by the
 18 board, went literally back to the drawing board and
 19 amended their proposal by shrinking the building,
 20 by improving the on site circulation and by
 21 providing a conforming driveway design that meets
 22 that standard, and in so doing we greatly exceed
 23 that throat length requirement. I don't know the
 24 exact dimension of it but I have to estimate it to
 25 be well in excess of the 100, the minimum 100 feet

<p style="text-align: right;">50</p> <p>1 throat length that is required and that driveway 2 allows traffic to come directly into the site. The 3 radii at Route 35 were, I'll say dictated by NJDOT 4 and by that we have to accommodate deliveries and 5 tanker trucks particularly for the petroleum 6 products and DOT requires applicants to submit 7 drawing templates for those pads to ensure that 8 that truck can circulate fully on the site and then 9 can safely exit and this design reflects that 10 effort with DOT. Customers then proceed into the 11 site and then turn right, if you will, at the 12 entrance but then proceed into the aisle to the 13 south of the canopy that leads to the fuel 14 dispensers. So for those customers that come in 15 the new driveway, generally speaking, they would be 16 circulating in a clockwise manner and then proceed 17 into the fuel dispensers generally facing north on 18 Route 35. Customers that use the secondary 19 driveway have the ability to come in through the 20 shared driveway in front of the bank office 21 building and as that traffic, as they align the 22 dispensers can face in the other direction, 23 wherever there happens to be a vacant fueling 24 position. This is a traditional design used not 25 only by Wawa but their competitors and the major</p>	<p style="text-align: right;">52</p> <p>1 not only for internal traffic flows but also the 2 parking, so we definitely have gone above and 3 beyond in terms of the site design and in my 4 opinion it certainly provides a safe and efficient 5 means of circulation and obviously ingress and 6 egress. We have very favorable projected, excuse 7 me, levels of service. I will say that our traffic 8 study conservatively only looked at the site as 9 though it had one driveway. You may recall I 10 mentioned that we had good levels of service C. 11 The fact that customers have actually two ways to 12 get out of the site means that the level of service 13 will actually be better. We assumed that there was 14 just the one driveway. Basically all of the site 15 traffic that doesn't go out to New Monmouth Road 16 would use the one driveway. By spreading it over 17 two driveways it's actually better. 18 Our refuse containers are located in the 19 far southeast corner of the site. We have 20 dedicated loading along the southerly side of the 21 building, and not only has Mr. Kennedy's office 22 laid it out to adequately accommodate the tractor 23 trailer and fuel tankers that will be accommodated 24 on the site, we also have to present it to Wawa's 25 design engineering consultant and they have</p>
<p style="text-align: right;">51</p> <p>1 oil companies. The access aisle between the 2 dispenser and the convenience store itself features 3 an additional width for extra maneuvering area and 4 then the parking spaces that front the building all 5 exceed the ordinance requirements for parking stall 6 dimensions and it's something that Wawa has to have 7 given the nature of turnover and the ease with 8 which customers can get in and out of their 9 vehicles with an extra wide parking space, and 10 whereas your standard is 9 feet, these have been 11 proposed at 10. We have full two way circulation 12 around all of the site components of both the 13 convenience store, as well as the fueling canopies. 14 There's clear lines of sight for all vehicles so 15 that people can see one another as they proceed 16 into the dispatcher system, and then traffic has 17 the ability either to exit at the shared driveway 18 between the office building and the canopy or by 19 and large those customers parking along the side of 20 the convenience store, rather than doubling back to 21 continue south, will be able to come up and use the 22 new exit further to the east of the site closest to 23 Chase. Our internal connections all exceed 24 24 feet, which is the minimum required in your 25 ordinance, so we have a very generous circulation</p>	<p style="text-align: right;">53</p> <p>1 confirmed that this meets their internal design 2 standards. 3 I think that covers everything. There 4 is one thing I'd like to mention. In your 5 engineer's report there was some concern expressed, 6 and I'm going to point again, but to the north side 7 of the office building the aisle that connects the 8 two sites is currently today two way. When the 9 bank had drive-through lanes those customers, for 10 example, if the teller couldn't complete their 11 transaction and the customer had to come back 12 inside, that customer had to loop counter-clockwise 13 around, face incoming traffic and then just pull 14 into the parking lot. That's not anything we 15 propose to change under this design. I understand 16 your engineer has expressed some concern regarding 17 the safety of that location and even though it's 18 existing and even though it hasn't been a problem 19 and even though I can't envision a scenario where 20 someone who got their gas, was at the convenience 21 store would want to go around that office building. 22 The applicant -- we are certainly willing to 23 provide that design to make it invalid, if that's 24 the rules. I don't see the need for it but we can 25 certainly do it.</p>

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1 **MR. NEHMAD:** And that can readily be
 2 done as a resolution compliance item?
 3 **MR. DEAN:** Correct, and if the board
 4 wants additional landscaping, we can do it that
 5 way. If it's a matter of striping for say EMS or
 6 fire circulation, we can do it that way, but the
 7 intent is it would be marked with do not enter
 8 signs, no left turn signs and conspicuously marked,
 9 if not geometrically designed to prevent that, call
 10 it south to north direction, if you will, that
 11 recirculation from Wawa to the bank office site,
 12 but I'll leave that to the board and your
 13 professional preference.
 14 **MR. NEHMAD:** Mr. Dean, you as a civil
 15 engineer, as a traffic engineer has always talked
 16 about the design vehicle being able to safely and
 17 efficiently maneuver on site. We know the site is
 18 going to have patrons and customers, right,
 19 typically automobiles, but is there sufficient room
 20 for maneuverability safely and efficiently on site
 21 by the delivery vehicles that would deliver product
 22 and fueling the fuel supplies to the facility?
 23 **MR. DEAN:** Yes. This site plan wouldn't
 24 see the light of day if the Wawa and their
 25 consultants hadn't said yes, this works for us.

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1 **MR. NEHMAD:** Now, Mr. --
 2 **MR. DEAN:** So yes, it certainly works,
 3 as you'll hear from another expert. From a traffic
 4 engineer's perspective, in reviewing the
 5 circulation patterns, yes, it's been appropriately
 6 designed for that.
 7 **MR. NEHMAD:** Okay. And the traffic
 8 driveway along Route -- excuse me. The driveway
 9 along Route 35, we need technically a design waiver
 10 from the ordinance of 50 feet. We're proposing 90
 11 feet, is it?
 12 **MR. DEAN:** Well, I tried to come up with
 13 consistent design standards and in the world of DOT
 14 each curb line opening is treated separately and we
 15 meet the DOT's 50 foot standard. If your municipal
 16 ordinance is interpreted differently, even though
 17 this is all DOT jurisdiction, then technically,
 18 yes, I guess we would need that, that waiver.
 19 **MR. NEHMAD:** Okay. The waiver is --
 20 **MR. DEAN:** We could avoid it in theory
 21 if the small concrete island that separates ingress
 22 and egress were moved to the curb. The problem is
 23 DOT requires a 3 foot separation between the gutter
 24 line, the curb and the face of that, so I don't
 25 care if you measure it, you know, either side or in

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1 total of that depressed curb, functionally we have
 2 two less than 50 foot curb line openings disturbing
 3 the site.
 4 **MR. NEHMAD:** So the geometry of that
 5 driveway is designed to meet DOT requirements;
 6 would that be an accurate statement?
 7 **MR. DEAN:** That is an accurate
 8 statement, yes.
 9 **MR. NEHMAD:** And that's the reason why
 10 we're seeking a waiver to comply with DOT's
 11 guidelines and design standards?
 12 **MR. DEAN:** Correct.
 13 **MR. NEHMAD:** Now, see if I have anything
 14 else. I don't think I do but let me just check.
 15 **MR. DEAN:** The sign.
 16 **MR. NEHMAD:** Oh, yeah. You're familiar
 17 with the fact, as you heard the prior summary of
 18 the application -- you weren't here at the last
 19 meeting, I know you were away. One of the
 20 variances we're seeking is to have a sign with a
 21 height of 20 feet. We're not seeking a variance
 22 for the size of the sign, the size complies, but
 23 the height and the setback.
 24 **MR. DEAN:** Correct.
 25 **MR. NEHMAD:** And we had Mr. Kennedy show

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1 what the driver is dealing with, and this is A-7,
 2 with the signs along the roadway, many are larger
 3 and older but they show what the driver is met with
 4 in terms of the driver -- (unintelligible) -- for
 5 stopping distance. Could you comment upon the need
 6 for the 20 foot high sign?
 7 **MR. DEAN:** I will. The ordinance
 8 requires a maximum sign height of 12 feet. The
 9 challenge we have is the sign is located
 10 immediately adjacent to a busy state highway and
 11 when we combine the required setback, which is from
 12 the right-of-way line, it doesn't take into
 13 consideration the curb line and the fact that
 14 there's probably another 15 or 20 feet behind the
 15 curb at which the sign can be posted, so by the
 16 time we adhere to your ordinance, as measured from
 17 the right-of-way line, that sign is outside of the
 18 driver's cone of vision and that presents
 19 difficulty for this particular land use that, as I
 20 mentioned, derives 80, 85, 90 percent of its
 21 traffic from people passing by the site. They're
 22 making a decision to visit the site based on two
 23 things, the brand and pricing information. That
 24 has to be readily visible for a motorist to make a
 25 decision at a sufficient distance to decide, I want

<p style="text-align: right;">58</p> <p>1 to go there and that's where I want to change lanes 2 and safely get into the site, and with the 3 requirement of a very short sign of only 12 feet, 4 first off, that sign is blocked by any truck 5 traffic that's on the highway, because trucks are 6 at 13 feet, 6, so from a visibility perspective 7 there is some relevance -- 8 MR. RATHJEN: Excuse me. 9 MR. DEAN: -- there is some relevance to 10 having, specifically for a gasoline service 11 station, that identification to be prominent and 12 visible for passing motorists and for that reason, 13 so that it gets above the height of traffic on the 14 highway, we are requesting to be at 20 feet, which 15 is consistent with virtually all of the other 16 signage, all of the -- (unintelligible). 17 Similarly, for the reasons I mentioned, we are 18 seeking relief to put it not 25 feet set back but 19 20 feet ideally and my recommendation would be, you 20 want the sign to be effective, you want motorists 21 to know where it is, make it 0 feet, but I 22 understand aesthetics and zoning if we have that 23 separation. Functionally speaking, because of 24 where the right-of-way is located, I don't have the 25 exact dimension but it's well in excess of 10 feet.</p>	<p style="text-align: right;">60</p> <p>1 would be two -- (unintelligible) -- so each one of 2 those lots, if we were to create some subdivision 3 line to divide it consistent with your zoning 4 ordinance, each one of those sites would be 5 entitled to its own sign and we are, at least in my 6 opinion, again, recognizing we have an exit all the 7 way to the left serving the office building and 8 then the Wawa driveway is all the way to the 9 eastern margin or the southern margin of the site, 10 I don't think that the proposal for two signs is 11 inconsistent with your zone plan and does reflect 12 the fact that even though it's one lot, we do have 13 these two separate uses, so I think the relief can 14 be granted, and you'll hear from our planner, but 15 with no detriment to your zone plan inasmuch, in my 16 opinion, it was considered to be that frequency of 17 signage anyway. 18 MR. NEHMAD: And historically there was 19 two signs there for the bank and the Friendly's, 20 correct? 21 MR. DEAN: Correct. 22 MR. NEHMAD: Now, from a traffic 23 engineering and planning perspective do you have an 24 opinion within a reasonable degree of engineering 25 certainty and probability as to whether or not the</p>
<p style="text-align: right;">59</p> <p>1 I'd say it's at least 15 feet. That means that 2 sign will be set 35 feet back off the edge of the 3 road, so -- 4 MR. NEHMAD: The edge of the paved -- 5 MR. DEAN: The edge of what is the 6 travel lane, which is where cars will be driving, 7 so given the specific nature of the use, the speed 8 at which vehicles are traveling, it's a multi lane 9 highway and a unique feature of the land use are 10 all valid reasons why that signage information is 11 to be consistent with driver expectation but 12 visible given the enhanced needs associated with 13 the gasoline service station. 14 The other thing is we are seeking relief 15 for the number of permitted signs. Only one is 16 permitted per site. We are asking for two. I look 17 at your zoning ordinance and for the, I think we're 18 in the B-3 zone, we have a minimum lot frontage of 19 200 feet. This site has 548 feet, I believe, of 20 frontage and I look at your zoning standard which 21 says for commercially used properties we would have 22 sites that are at least 200 feet wide, which means 23 you have the expectation, excuse me, from the 24 zoning perspective of having signs every 200 feet, 25 if not more. With 548 feet of frontage, this site</p>	<p style="text-align: right;">61</p> <p>1 variances we're requesting for the height of the 2 sign of 20 feet and the setback to 25 feet, as well 3 as to have two signs would enhance traffic safety 4 and free flow of traffic? 5 MR. DEAN: I think in the instance where 6 it were a different site layout with a single 7 driveway, I think there could be some compelling 8 argument to say one sign is really appropriate, you 9 know, put it at the site driveway and motorists use 10 those identification signs as a target. You see 11 the sign, we all have an expectation that, yeah, 12 there should be a driveway there somewhere, and I 13 believe in this instance that this proposal is 14 consistent with that design standard to 15 appropriately and safely direct motorists to the 16 proper driveway, so I see no detriment -- you know, 17 from a traffic guy's perspective, look, we like 18 plain, visible, prominent signs and even though 19 those signs that are probably 1,000 square feet on 20 the highways, you can see them from a half mile 21 away, somehow people still miss them so, you know, 22 I'd be the best expert to say from an aesthetic 23 standpoint do you see a problem with a sign that's 24 taller or bigger than the ordinance, I don't, but I 25 leave it to you to balance the need for safety</p>

<p style="text-align: right;">62</p> <p>1 directing motorists to proper driveways with what I 2 believe is a very reasonable proposal. We're not 3 seeking any relief for the size of the sign. We 4 just want to get it out on the highway where that 5 information is needed.</p> <p>6 MR. NEHMAD: And, therefore, you are of 7 the opinion that the variance relief will enhance 8 the application?</p> <p>9 MR. DEAN: I do, yes.</p> <p>10 MR. NEHMAD: Thank you. 11 I believe that's it, Mr. Chairman, for 12 this witness. Let me just check my notes.</p> <p>13 MR. RATHJEN: I have one question. 14 Excuse me. Did you consider where you would -- you 15 do have -- I know in the Leonardo store you have a 16 lot of cars coming with trailers and they park in 17 the back going to the food store. I don't see -- I 18 think you should have some kind of an area that 19 someone can park the car with the trailer in the 20 back, or at least for so many minutes or something. 21 I don't think you have it on your plan.</p> <p>22 MR. DEAN: We don't have it striped as 23 such but what you'll see is a lot of extra parking 24 that's on the back side of the building, and in my 25 experience, yes, that parking is provided to</p>	<p style="text-align: right;">64</p> <p>1 up -- (unintelligible). They're kind of shared. 2 They serve a dual function and I think that 3 provides a little greater efficiency with --</p> <p>4 MR. RATHJEN: Okay.</p> <p>5 MR. BANASIAK: Okay. Could you quickly 6 repeat the numbers again? What's the requirement 7 by DOT, by Middletown as far as driveway width 8 opening and what is the proposal there?</p> <p>9 MR. DEAN: Sure. I want to get the 10 standard. Okay. It is Section 540-612-C.1 and 11 this is your ordinance standard that says a maximum 12 curb cut of 50 feet for a two way driveway. NJDOT 13 has an identical standard of a, they call it a 14 maximum curb line opening of 50 feet. They allow 15 applicants to go -- (unintelligible) -- but I won't 16 go into that. What I want to explain is how it's 17 measured, because that's really the relevant 18 standard here. We have, and I'm sorry I don't have 19 an enlargement. If you happen to have your plans 20 in front of you, I'm using my pointer again but I'm 21 highlighting the triangular island at Route 35 that 22 separates inbound traffic from outbound traffic. 23 DOT measures curb line opening on either side of 24 that island, and in this case, I'd have to look at 25 my DOT plans but I believe -- it's not dimensioned</p>
<p style="text-align: right;">63</p> <p>1 generally the ordinance standards, or in this case 2 Wawa's standards, but it's recognized and a lot of 3 those spaces get used by those oversized vehicles.</p> <p>4 MR. RATHJEN: I don't know if you should 5 have a sign there for possible trailer parking. I 6 think you will get people with little trailers 7 coming down to the shore there. I don't know if 8 you can have a sign on site, please park in the 9 rear.</p> <p>10 CHAIRMAN MERCES: Most landscapers park 11 in --</p> <p>12 MR. RATHJEN: Yeah.</p> <p>13 MR. DEAN: Landscapers, contractors, 14 yeah, park sideways, if you will, in those spaces 15 and the reason they do so is because they're not 16 used, you know, so it's a balancing of would we 17 rather have a few more spaces, for example, to 18 accommodate Saturday traffic related to the shore, 19 whereas weekdays we have a lot of that landscaping 20 type of --</p> <p>21 MR. RATHJEN: Okay.</p> <p>22 MR. DEAN: You'll hear from the Wawa 23 design expert, Matt Sharo, who can provide 24 additional insight, but generally speaking, that's 25 what those back spaces lined up, how they line</p>	<p style="text-align: right;">65</p> <p>1 on A-2 but I believe the entrance opening is 2 48 feet, so we're less than 50, so that would be on 3 the north or west side of that island and then I 4 believe we are at 38 feet on the exit side or the 5 right side of that highway, so in my world, which 6 is on DOT -- (unintelligible) -- that that is the 7 consistent measure for curb line openings. I'll 8 defer to this board and your engineer as to how you 9 may consider it, but the whole intent is, we don't 10 want super wide driveways where people kind of lose 11 their orientation of inbound and outbound and by 12 losing that island, we also have a lot of striping 13 to channelize that traffic, in my opinion we're 14 meeting your standard for 50 feet.</p> <p>15 MR. RATHJEN: Is that going to be a 16 recessed curb, I guess, on that?</p> <p>17 MR. DEAN: It's called a depressed curb.</p> <p>18 MR. RATHJEN: Depressed curb, right.</p> <p>19 MR. DEAN: Provide -- 20 (Multiple parties speaking.)</p> <p>21 MR. DEAN: Yes.</p> <p>22 BOARD MEMBER: Does the DOT guidelines 23 provide that island in the middle, has that been 24 their policy forever or is that relatively new?</p> <p>25 MR. DEAN: Since 1992, and it is on</p>

<p style="text-align: right;">66</p> <p>1 divided highways in particular to provide an extra 2 measure of I'll say enforcement so that when 3 drivers leave, they don't -- (unintelligible). 4 MR. NEHMAD: That's when the state 5 promulgated the State Highway Act Management Code, 6 correct? 7 MR. DEAN: Correct. 8 MR. NEHMAD: 1992, thank you. 9 BOARD MEMBER: Does that stretch of 10 Route 35 have a -- (unintelligible). Does it have 11 a shoulder? 12 MR. DEAN: No. This particular section 13 does not. There is a, we'll call it a live lane 14 that goes through New Monmouth Road and then feeds 15 to the jug-handle, and then continuing east of the 16 jug-handle, I know you can't see it, but just for 17 reference, that third lane -- 18 MR. NEHMAD: Referring to A-1. 19 MR. DEAN: A-1. Thank you. 20 That third lane that continues across 21 the site frontage drops at the jug-handle around 22 the bank and then two lanes continue further south 23 or east. 24 BOARD MEMBER: But it starts at the 25 beginning of the existing bank?</p>	<p style="text-align: right;">68</p> <p>1 MR. DEAN: Ideally from a traffic 2 engineering perspective we want to have information 3 within 15 degrees from the center access and 4 depending on how far back one goes, and obviously 5 if you're next to the sign it's outside of that 6 vision to your left, but as we get further back on 7 Route 35, yes. It would be better and more 8 effective the closer it gets to the right-of-way 9 line, but I know communities have standards for 10 sign setbacks. It sometimes, you know, that's done 11 for aesthetics as compromised in my opinion for 12 traffic safety. 13 BOARD MEMBER: Would it improve traffic 14 safety if the freestanding signs were combined to 15 have one, so one freestanding sign advertising 16 both -- 17 MR. DEAN: No. In this case because -- 18 that's what I was describing before. If there was 19 only one driveway serving this site, then I would 20 say yes, putting them all on one sign, and the 21 reason is, drivers look for a sign, they see it and 22 the expectation is that sign is somewhere near the 23 driveway and it becomes a very good visual queue, 24 target, if you will, and the existing sign in front 25 of the bank is just that, it's in front of the bank</p>
<p style="text-align: right;">67</p> <p>1 MR. DEAN: It does. 2 BOARD MEMBER: Just prior to that? 3 MR. DEAN: That's correct. 4 BOARD MEMBER: Can I ask a question? 5 MR. DEAN: Yes. 6 BOARD MEMBER: You testified that the 7 proposed location of the new freestanding sign is 8 within the cone -- the driver's cone of vision; is 9 that accurate? 10 MR. DEAN: Yes. 11 BOARD MEMBER: Okay. As far as the 12 location of the existing freestanding sign that 13 you're proposing to keep in front of the old bank 14 building, is that within the driver's cone of 15 vision? 16 MR. DEAN: It's set back a little bit 17 further. I think it is a compliance sign at 18 25 feet. 19 BOARD MEMBER: I'm not asking if the 20 setback is compliant. I'm asking if it's within 21 the cone of vision, of the driver's vision? 22 MR. DEAN: I under -- 23 BOARD MEMBER: Within the driver's cone 24 of vision, whatever your statement was referring to 25 the proposed freestanding signs.</p>	<p style="text-align: right;">69</p> <p>1 so a driver will see that sign and have the 2 expectation and they will look for a driveway. 3 BOARD MEMBER: Even though it's outside 4 their cone of vision, they will still see it in 5 time to use that driveway to get to the building 6 safely? 7 MR. DEAN: Well, I haven't done that 8 calculation. 9 BOARD MEMBER: Okay. 10 MR. DEAN: I, I -- you know, in time is 11 really the test and that's where there's a 12 compromise, which is why I say -- (unintelligible). 13 We have a 15 foot setback to the right-of-way. 14 That sign's way, way off the edge of the road. Is 15 it where it needs to be, no, but that's what your 16 ordinance requires so we are seeking, I think de 17 minimis relief for it, to make that sign more 18 effective for the purposes of safety. 19 BOARD MEMBER: Right. For quantity and 20 freestanding signs, the setback and the height, 21 okay. 22 MR. DEAN: Yes. 23 MR. NEHMAD: It's also consistent with 24 the height and setback of the sign on the CVS 25 property?</p>

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1 **MR. DEAN:** I believe that's the case. I
2 don't know that that sign was in Mr. Kennedy's
3 exhibit, A-7.
4 **MR. NEHMAD:** I believe that's what Jim
5 testified to.
6 **MR. DEAN:** But I believe that was the
7 testimony, and again, as a --
8 **MR. NEHMAD:** It was.
9 **MR. DEAN:** -- a brand new site that this
10 board considered I have to imagine in the past say
11 two or three years, again, we're trying to be
12 consistent with what the needs of the property and
13 the highway are for driver safety.
14 **BOARD MEMBER:** I actually don't
15 necessarily agree with that because, you know,
16 technology today, cars, everything else is going to
17 dictate exactly where this place is, this station
18 is going to be, not necessarily line of sight,
19 especially coming over the top of the hill in doing
20 so, so --
21 **MR. DEAN:** With one exception, if I
22 could.
23 **BOARD MEMBER:** Go ahead.
24 **MR. DEAN:** That is the decision someone
25 makes to stop at Wawa, there's really two

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1 components. You have your Wawa fans, they -- you
2 know, people love their hoagies, pretzels, what
3 have you, but then there's that driver that is
4 making an impulse decision to say, I need gas and
5 their prices are cheap so I want to go in there,
6 that's why that information -- it's not Wawa.
7 Sure, Wawa will show up on an app, but the
8 information that the driver needs, which is regular
9 is 2.99 a gallon, they need that information to be
10 conspicuously identified. Good Year doesn't need
11 that. Dunkin Donuts doesn't need that. Gasoline
12 service station is really the only land use where a
13 customer is making a decision based on the
14 information we see on the sign and that is why it's
15 so important to have it conspicuous and visible to
16 the approaching motorist.
17 **MR. NEHMAD:** Not only that, but there's
18 a statute in New Jersey, N.J.S.A. 56:6-2.3, which
19 requires -- it's the only land use that I know of
20 that requires, if you sell fueling products for
21 motor vehicles, that the price be conspicuously
22 noted from the public right-of-way. There's
23 actually a state statute. That's the only land use
24 that I know of -- I mean, it doesn't apply to
25 Walgreens or Walmart unless it sells fuel. If you

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1 sell fuel you have to somehow conspicuously show
2 it.
3 **BOARD MEMBER:** And this would be the
4 only gas station on 35 South, right?
5 **MR. DEAN:** I don't know that.
6 (Multiple parties speaking.)
7 **MR. NEHMAD:** I don't know.
8 **MR. RATHJEN:** It's the only one.
9 **BOARD MEMBER:** You have BP in the
10 middle.
11 **BOARD MEMBER:** It's the same spot.
12 Can I ask a question? What's the term
13 you used for the traffic that's already there that
14 would be diverted to --
15 **MR. DEAN:** Pass-by.
16 **BOARD MEMBER:** Pass-by traffic. Did you
17 measure the amount of the pass-by traffic that is
18 ultimately headed south on 35 versus taking the
19 jug-handle to go on New Monmouth Road?
20 **MR. DEAN:** That's a great observation.
21 That becomes -- there's a different term for that
22 traffic. We call that diverted link. It's a fancy
23 way of saying that. If you're traveling by the
24 site and it's right in, right out, essentially,
25 that's real quick and convenient stop. Wawas can

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1 survive on that. If you're traveling north, as
2 drivers and consumers think about it, it's a little
3 bit more of a production to get not only into the
4 site, because it requires, again, going through the
5 traffic signal twice, around the jug-handle --
6 **BOARD MEMBER:** Sorry. I don't mean to
7 interrupt. I get what you're saying but that's not
8 my question. I'm trying to get a sense of if you
9 go to the Wawa, you get a cup of coffee and you're
10 going to work, if you're going to work on 35 South,
11 it's pretty convenient, you hop on 35 South.
12 **MR. DEAN:** Correct.
13 **BOARD MEMBER:** You have to cut across
14 from that exit lane now which goes into the
15 jug-handle, you basically have to cut across one
16 extra lane of traffic to keep going down 35 South
17 versus the people that are going to pop in there
18 and get their coffee because they're going, trying
19 to take that ancillary exit to go north, so do you
20 have -- have you measured, like, people going 35
21 South? We know there's a number of cars, some that
22 keep going, some that were taking the jug-handle to
23 go New Monmouth Road.
24 **MR. DEAN:** I think I understand the
25 question. I'll refer you to figures six, seven and

<p style="text-align: right;">74</p> <p>1 eight in our report. What we do is we look at I 2 think exactly the scenario you described, which is 3 how much site traffic jumps on and off 35 South and 4 how much site traffic kind of goes through the 5 gymnastics to get through the light and do it 6 twice, if not four times, to get a cup of coffee. 7 BOARD MEMBER: Right. 8 MR. DEAN: It loses its convenience 9 nature to go through all those gymnastics, so yes, 10 each of those volumes, depending on the peak hour, 11 six is the morning, seven is evening and eight is 12 the Saturday peak hour, it shows the incremental 13 traffic added at the driveway and added at the 14 various intersection movements at 35 and New 15 Monmouth. Is that helpful? 16 BOARD MEMBER: It is. All right. So 17 the drawings to that would then be from a safety 18 perspective. Right? So all things being equal, 19 we're increasing the number of cars that are going 20 to be going on 35 South but needing to get into the 21 middle lane, right, because the right-hand lane 22 goes to the jug-handle and if the Wawa wasn't there 23 they would probably be in the middle lane because 24 they want to avoid the jug-handle shift, right, so 25 we're increasing the number of cars that might have</p>	<p style="text-align: right;">76</p> <p>1 particular instance we have -- our site, we have 2 the entirety of the CVS and Chase site, which is 3 400 -- 548 feet I'd say but probably closer to 500 4 and then we also have, and it drops in front of the 5 bank, so that's where the drop -- (unintelligible). 6 We're allowing that exiting site traffic from Wawa 7 more than a tenth of a mile going through a light, 8 where if it's queued up and traffic is moving 9 slowly so that traffic can work its way and change 10 lanes at a slower rate of speed. If the light's 11 green and traffic is flowing freely and that 12 traffic has the ability by looking to the north or 13 west to then get in that lane, accelerate and then 14 merge, as would be the case with access as it is 15 today, so I -- that's the reason that I'm -- you 16 know, many times we come to these kinds of forums 17 without DOT approval and those questions surface 18 and we really don't know what DOT would say. In 19 this instance we have a DOT permit and because 20 we're well away from the influence of the 21 intersection, we're back far enough that will allow 22 that traffic to make that lane change and work, so 23 there's really nothing that can be done, and again, 24 the CVS is even closer and that's -- 25 BOARD MEMBER: Earlier you said the CVS,</p>
<p style="text-align: right;">75</p> <p>1 to cut over because they're in -- (unintelligible). 2 From a traffic safety perspective, one, how 3 dangerous is that? I'm sure that's measured 4 somewhere. And two, what can be done to make that 5 a little bit safer? And this goes back to my 6 original question, is there a shoulder there? Is 7 there a -- my concern partly is, growing up in East 8 Brunswick, New Jersey, which has the same situation 9 with Route 18, is traffic triangles. Right. We 10 want people to slow down. In a travel lane when 11 there's no shoulder and then pop out into the 12 travel lane and in this case they're popping out 13 into the travel lane and then typically they might 14 have to cut over or across, so what can be done to 15 mitigate that or -- 16 MR. DEAN: I think I understand the 17 question. A fair amount of CVS's driveway is 18 located a whole lot closer to that lane drop than 19 ours and whether it's Friendly's, whether it's 20 Wawa, it's intending to put a development on this 21 site, so NJDOT has a standard that no driveway can 22 be located closer than 100 feet to an intersection 23 and it is partly for that reason, as you described, 24 which is it allows traffic to exit and get into the 25 proper lane and then continue on its path. In this</p>	<p style="text-align: right;">77</p> <p>1 you or someone else, the traffic out there -- 2 (unintelligible). Is that an apples to apples 3 comparison? 4 MR. DEAN: Well, for me traffic safety 5 is my area. The fact that there's more traffic for 6 Wawa doesn't make it any different. The fact that 7 CVS's driveway maybe carries less traffic, it's 8 still traffic. In other words, whether it's one 9 car or 100 cars, we still have to meet the same 10 design standards. The fact that Wawa's traffic, 11 you know, maybe comes out in our projection at the 12 highest peak hour at 106, and that's in the 13 morning, that's, you know, one car every say -- 14 it's not 30 seconds, probably closer to 45 seconds. 15 I won't ask you to sit here and wait 45 seconds but 16 if you were at a light you would be, damn, this 17 light is slow. It's not like Giants Stadium 18 letting out thousands of cars trying to get out at 19 once. This would be a metered, regulated flow by 20 nature of the fuel dispenser operation and just the 21 cashiers within the building. You just, you can't 22 have -- (unintelligible). 23 MR. RATHJEN: Excuse me. You don't have 24 any Wawa sign off of New Monmouth Road the back 25 way. Is there any entrance or -- I don't know if</p>

1 your landlord has given you an okay on that, on the
2 back.

3 **MR. DEAN:** Well, we don't have a
4 landlord.

5 **MR. RATHJEN:** Well, I understand that.

6 **MR. DEAN:** We own -- the applicant owns
7 the subject property and I suspect at some point
8 when these lots were carved up somebody had the
9 good idea to ensure that the easement behind Chase
10 and CVS allows for that cross --

11 **MR. RATHJEN:** But you don't have a sign
12 easement or anything, do you?

13 **MR. DEAN:** We don't have a right to do
14 that and there are no signs --

15 **MR. RATHJEN:** Okay.

16 **MR. DEAN:** -- Monmouth.
17 (Multiple parties speaking.)

18 **BOARD MEMBER:** Nor did the county.

19 **MR. DEAN:** We couldn't have done it,
20 anyway.

21 **MR. RATHJEN:** Okay.

22 **MR. DEAN:** Other than truly the
23 residents of the community who know that there's a
24 Wawa behind Chase, it's not going to attract
25 non-indigenous traffic.

1 customers and I don't have any knowledge that that
2 is, in fact, the case. It's an action road. Could
3 somebody use it, they could. Is there an advantage
4 to them doing so, in my opinion, I don't see that,

5 but if that ever were to become an issue, and
6 again, I can't envision why or how, obviously there
7 are regulations that could be considered by the
8 governing body to alter that street designation,
9 and again, it would have to meet with the approval

10 of the affected residents but, you know, could it
11 be closed to Route 35, could it have a KnoxBox to
12 be used for emergency access, there are a lot of
13 options in the toolbox whether it's Wawa, CVS,
14 Chase, getting around the junction to go up to,

15 what's in this plaza, Home Goods and I forget some
16 of the other tenants in that retail plaza. People
17 would be doing it today and I don't know that
18 that's the case so that's, I think, helping to
19 underscore the fact that I don't see that there's
20 any reason to use The Trail.

21 **BOARD MEMBER:** So did you -- in your
22 study did you include nearby developments that have
23 been built and are officially under construction?

24 **MR. DEAN:** We did. I forget which ones
25 and we highlighted them in the traffic study.

1 **MR. NEHMAD:** Nothing further of this
2 witness, Mr. Chairman.

3 **BOARD MEMBER:** So as far as -- could you
4 take a look at -- (unintelligible) -- The Trail
5 with the buffer?

6 **MR. DEAN:** We have looked at that. I
7 know that surfaced at the prior application. I
8 don't have an exhibit that shows the overall road
9 network. I've driven The Trail. I've seen it. I
10 can't see that being used other than by the
11 residents who live along there to get to the site.
12 It offers no meaningful benefit. It's not a
13 quicker route. It's a narrow road. There's a lot
14 of on-street parking. It's constrained by width.
15 Even tonight, it's very narrow in spots --
16 (unintelligible). For that traffic say, for
17 example, that's on Kings Highway or is already
18 coming up New Monmouth Road, I see no advantage to
19 using The Trail whatsoever. That being said, this
20 is a permitted use in the zone and whether it's
21 Wawa, Friendly's, Burger King, you know, whatever
22 is permitted, that access by local residences along
23 The Trail and the intersecting roads is used. If
24 it were that convenient a cut-through today I would
25 think it would be being used by the CVS or Chase

1 **BOARD MEMBER:** I want to say at the time
2 of the traffic study I think there were a couple
3 bigger ones that were --

4 **MR. DEAN:** Yeah. We had not considered
5 the CVS and bank in that they hadn't been
6 constructed but now they are and you may recall the
7 counts we did last month really showed no change so
8 there hasn't been much impact from that and I
9 believe -- I don't remember which direction I'm
10 facing. Whatever's going on behind the municipal
11 building, that new mixed use center, we did take
12 that traffic into consideration, as well. Those
13 are the only two.

14 **BOARD MEMBER:** And the timing changes
15 that are proposed, those are still going to be --

16 **MR. DEAN:** We haven't proposed any
17 timing changes. As I recall, that comes about
18 through the DOT analysis and if I remember
19 correctly the board may recall levels of service
20 and mitigation. We found that if you reallocated
21 literally one second of green time away from
22 Route 35 to New Monmouth, we would mitigate
23 whatever the DOT criteria was. We're not proposing
24 to do that. We just had to show the DOT it's
25 possible to do it but they have not asked us to

1 implement that.
 2 **BOARD MEMBER:** I think that covers it.
 3 **CHAIRMAN MERCES:** He's all set?
 4 **MR. NEHMAD:** I'm finished with this
 5 witness, yes.
 6 **CHAIRMAN MERCES:** Anybody from the
 7 public have any questions of Mr. Dean's testimony,
 8 questions?
 9 **MR. FAY:** Nice to talk to you again.
 10 I mentioned at the last hearing, how
 11 many cars did you say were coming into the Wawa?
 12 **MR. DEAN:** Depends on the peak hour.
 13 It's a little different. The busier it --
 14 **MR. FAY:** Daily number.
 15 **MR. DEAN:** I don't have that number.
 16 **MR. FAY:** Last time you testified it was
 17 2,300.
 18 **MR. DEAN:** Again, I don't have a daily
 19 number.
 20 **MR. FAY:** It's in the Asbury Park Press,
 21 as well.
 22 Okay. Another question I have for you.
 23 Was any consideration given to The Terrace exit on
 24 to 35, that acceleration lane with 2,300 cars
 25 coming across?

1 **MR. DEAN:** The short answer is no.
 2 **MR. FAY:** Was any consideration given
 3 to -- I know you're a -- (unintelligible) -- person
 4 but, say sun glare in the morning?
 5 **MR. DEAN:** No.
 6 **MR. FAY:** Have you done any research to
 7 see if there were any accidents related to that in
 8 that area?
 9 **MR. DEAN:** I have not.
 10 **MR. FAY:** Okay. How many tanker trucks
 11 do you see -- so let's do 2,300 cars, 23,000
 12 gallons. How much a truck hold -- how many trucks
 13 a day in your study did you include?
 14 **MR. DEAN:** It, it -- the typical
 15 testimony, it all depends on what the store does in
 16 the volume but it's usually one tanker per day.
 17 **MR. FAY:** Okay. And how would that
 18 tanker exit?
 19 **MR. DEAN:** Jim, do you have your truck
 20 circulation exhibit? I believe Mr. Kennedy covered
 21 that. It's in the plans that were submitted to the
 22 board.
 23 **MR. FAY:** I have it, as well, if you
 24 need to see it.
 25 **MR. DEAN:** Then you've seen it.

1 **MR. FAY:** I'm not an expert so I have a
 2 question on it, so I'll rely on you to show me the
 3 exhibit.
 4 **MR. DEAN:** For reference, Mr. Kennedy,
 5 and it's in your site plan as sheets, two sheets,
 6 14 and 15. 14 is labeled WB62 truck turning plan
 7 would be the delivery truck for the convenience
 8 store, but sir, I believe you asked me about the
 9 tanker truck.
 10 **MR. FAY:** Yeah. Can you show me when
 11 it's developed?
 12 **MR. DEAN:** I can't.
 13 **MR. FAY:** Can you -- I'll bring you my
 14 diagram. It's a little bit better.
 15 **MR. DEAN:** So I just want to describe it
 16 for the record. The tanker trucks enters the site
 17 via right-hand turn on Route 35. The truck then
 18 circulates in a clockwise direction between the
 19 convenience store building and the canopy. The
 20 truck then positions itself at the underground
 21 storage tanks that are closest to Route 35. The
 22 truck then completes, think of it as a figure eight
 23 movement. That truck then continues to circulate
 24 clockwise using that same corridor, that aisle
 25 between the canopy and the convenience store and

1 then starts to circulate counter-clockwise around
 2 the back of the convenience store and then
 3 continues straight out to Route 35.
 4 **MR. FAY:** My question is, the truck --
 5 and please, if I get this wrong -- is doing a
 6 figure eight in the parking lot where there's
 7 plenty of room to walk, to park, to get back out
 8 again on 35?
 9 **MR. DEAN:** Correct.
 10 **MR. FAY:** When it exits on 35 does it go
 11 across all the lanes of traffic?
 12 **MR. DEAN:** It does.
 13 **MR. FAY:** Did you take into
 14 consideration whether the acceleration lane is
 15 being cut off by cars -- (unintelligible) -- cars
 16 coming in because there's also a truck pulling out?
 17 I know it doesn't have to be a DO2 -- DOT
 18 regulation but did you take that into consideration
 19 in your study?
 20 **MR. DEAN:** I did, and I just want to set
 21 the record straight, none of my testimony indicates
 22 that there are 2,300 cars entering when a tanker
 23 truck is delivering to the site.
 24 **MR. FAY:** You did testify to that the
 25 first time.

1 **MR. DEAN:** I did not testify to that the
2 first time.
3 **MR. FAY:** That's in the record. It's in
4 the public record.
5 **MR. DEAN:** I'm not going to argue with
6 you. I'm telling you what my testimony is.
7 **MR. FAY:** If you want to say that, go
8 right ahead.
9 **MR. DEAN:** There will not be a scenario
10 where there are 2,300 cars entering this site when
11 a tanker truck is leaving. That tanker truck --
12 **MR. FAY:** I'm not saying 2,300 cars at
13 one time.
14 **MR. NEHMAD:** Can he finish the answer?
15 **MR. FAY:** I understand. I'm sorry. Let
16 him answer.
17 **MR. DEAN:** The tanker truck does not
18 come in at peak hours, that's bad for business, so
19 the tanker truck will come in at times when highway
20 traffic is lower and site traffic is lower and Wawa
21 and -- (unintelligible) -- 800 or so stores in
22 their line and they don't -- they're not, nor am I
23 advocating for -- (unintelligible).
24 **MR. FAY:** At the last hearing, I don't
25 know if you remember, but the question is, would

1 Wawa have said that they order fuel on demand and
2 call contract truckers to come in? Do you remember
3 that?
4 **MR. DEAN:** I don't, and we have an
5 expert here from Wawa who will be able to better
6 address that.
7 **MR. FAY:** Okay. So a new truck driver
8 would be able to get -- might not be familiar with
9 the figure eight in order to get out of that Wawa?
10 **MR. DEAN:** I'll let that expert handle
11 it.
12 **MR. FAY:** So just to finish up, the
13 acceleration lane coming from The Terrace, what's
14 the normal acceleration lane supposed to be?
15 **MR. DEAN:** It's not an acceleration
16 lane. It's considered an auxiliary lane and that
17 lane serves the function of deceleration.
18 **MR. FAY:** Function of deceleration, so
19 if I'm coming out of The Terrace and I'm turning on
20 35 --
21 **MR. NEHMAD:** Excuse me. Mr. Chairman,
22 can the witness finish answering the question?
23 **MR. FAY:** I apologize.
24 **MR. DEAN:** The lane begins at The Trail
25 or The Terrace, continues all the way across the

1 site frontage, and as I testified, ends at the
2 jug-handle, is an auxiliary lane. It can be used
3 by traffic exiting The Terrace or Trail, it can be
4 used by traffic decelerating into the subject site,
5 it can be used by traffic continuing south getting
6 to the jug-handle, visiting CVS or going to the
7 bank or turning down New Monmouth Road, so it's a
8 multi purpose lane. It's not just an acceleration
9 lane.
10 **MR. FAY:** In your expert opinion -- I
11 know your -- (unintelligible) -- and stuff like
12 that, but so when you're actually turning on to 35
13 what is the normal amount -- (unintelligible) --
14 before someone enters the lane?
15 **MR. DEAN:** I don't understand the
16 question.
17 **MR. FAY:** What would you suggest to
18 somebody if they said to you how much time will you
19 need to exit on to 35 from a stop on 35 when you're
20 that angle of entrance?
21 **MR. DEAN:** Sure. About six-and-a-half
22 seconds.
23 **MR. FAY:** How long is that --
24 (unintelligible) -- in speed to join another lane?
25 **MR. DEAN:** Are you asking me the

1 duration?
2 **MR. FAY:** Six seconds? You're an expert
3 at this. You know the math. How many seconds --
4 how fast the car can go -- how many feet that would
5 be.
6 **MR. DEAN:** That's the question. In that
7 distance I haven't calculated it but I'll assume --
8 let me just do --
9 **MR. FAY:** I think I have an extra
10 calculator but go ahead.
11 **CHAIRMAN MERCES:** You got to let him
12 finish, Mr. Fay.
13 **MR. FAY:** I apologize.
14 **MR. DEAN:** About 200 feet.
15 **MR. FAY:** So 200 feet.
16 When would the cars start to turn in
17 from that lane in your opinion to enter into Wawa
18 from The Terrace?
19 **MR. DEAN:** Well, the Wawa driveway is
20 the entire length of the frontage so it's 548 feet
21 away.
22 **MR. FAY:** So within -- let me put this
23 into a question. So if you were to accelerate and
24 go 200 feet before you enter 35, cars -- how long
25 would it take, in your professional opinion, for a

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1 car that's on 35 in the middle lane to make that
2 decision to go into Wawa? How much distance would
3 they need in order to enter that safely with
4 another car that's traveling 200 feet to enter 35?
5 **MR. DEAN:** We generally try to get what
6 we call 1,000 feet of sight distance, which is why
7 the position of the sign, its height, its
8 visibility is important, so that a driver can make
9 that decision, to say there's my target and I want
10 to get -- (unintelligible) -- oh, look, there's an
11 acceleration lane like we have on highways, we let
12 that vehicle, if someone happens to be leaving The
13 Trail at that time, then the vehicle coming into
14 Wawa gets behind them.
15 **MR. FAY:** I just have a little trouble
16 with that one. My question would be -- so let's
17 just do the math. So you come out of the The
18 Terrace, you travel 200 feet in order to get to the
19 middle lane. You're in the middle lane. You're
20 traveling to go into Wawa. You have 500 feet?
21 **MR. DEAN:** I never suggested somebody
22 exiting The Terrace gets into the middle lane. You
23 asked me how much distance --
24 **MR. FAY:** No, I didn't.
25 **MR. NEHMAD:** Excuse me.

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1 **MR. DEAN:** You asked me how much
2 distance --
3 **MR. FAY:** I'm sorry. I apologize. No
4 more questions.
5 **MR. DEAN:** Okay. Thank you.
6 **MR. GORMAN:** The board had prior
7 hearings resulting in a denial, it went to court so
8 we're starting all new hearings now. The prior
9 record is not part of this record, however, if
10 somebody wants to refer to something that someone
11 said, that's more than permissible, someone's prior
12 testimony can be used, and I just want to make
13 sure -- I have the transcripts in front of me. Mr.
14 Fay is right, during the prior proceedings you
15 testified that it was 2,300 cars per day. I can
16 read from the transcript, but it says -- Mr. Fay
17 asked you: How many cars a day? Cars a day, if I
18 looked at ITE statistics, and I'm going by memory,
19 I think it's 2,300, and then it goes on and there's
20 a couple different references to that within the
21 next couple pages. It's on 135 in the transcript
22 of the second meeting, so just --
23 **MR. DEAN:** And by way of background,
24 that's based on the original size of the building.
25 We now have a building that is 15 percent smaller

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1 so that number of 2,300 isn't even relevant in that
2 the applicant has amended their application.
3 **MR. GORMAN:** I'm not gonna -- I'm just
4 saying, it's in the record from before. I think
5 the board will recognize this is a smaller
6 building.
7 **BOARD MEMBER:** One more question.
8 **CHAIRMAN MERCES:** Wait. Wait.
9 **MR. GORMAN:** I think I was talking.
10 There's some sort of reference to it,
11 about ITE and convenience store or gas, there was
12 reference to about 2,300. I'm not suggesting it's
13 2,300 or 2,000 or 2,800 or 800. I'm just saying,
14 Mr. Fay referred to something that was in the
15 record before. To the extent that that came up,
16 it's accurate and the board -- these two large
17 transcripts that I have from last time are not
18 before the board this time but inconsistent
19 statements or things that are different from -- you
20 know, it's something you can refer to.
21 **MR. RATHJEN:** I think Mr. Fay was trying
22 to do that. I don't know whether he has a
23 transcript or he was doing it from memory but, you
24 know, he was the one asking the question so he
25 would know.

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1 **MR. NEHMAD:** I'm sorry. I don't know if
2 the witness is finished. I have some redirect.
3 **CHAIRMAN MERCES:** Let Mr. --
4 **MR. NEHMAD:** Sure.
5 **BOARD MEMBER:** My question is, is the
6 traffic -- (unintelligible) -- or otherwise, you
7 keep referring to this is a smaller building. Is
8 it actually influenced by the size of, the physical
9 size of the Wawa or more influenced by gas prices
10 being so much -- like, I can't imagine drivers
11 being, like, oh, this one's a little too small a
12 convenience store so -- (unintelligible).
13 **MR. DEAN:** Sure. The way traffic
14 engineers come up with projections is when we look
15 at a site, we go out and we count and we do
16 driveway counts at a site that we know exists and
17 we try to reduce it to a parameter that lends
18 itself to be used to project in other cases.
19 Sometimes it's the number of fueling positions,
20 sometimes it's the ambience -- (unintelligible) --
21 on the road itself, but the variable or the highest
22 degree of correlation site by site as we start to
23 drill down into the statistics is the size of the
24 building, so a bigger building generates more
25 traffic and part of the reason is there's more

<p style="text-align: right;">94</p> <p>1 stuff in the building, right, there's a greater 2 variety of merchandise, it can accommodate more 3 people, the daily count is bigger. There's a, you 4 know, different coffee but, you know, whatever the 5 reasons are, but when Wawa shaved 800 feet off the 6 size of their building, something got compromised 7 and when a building contracts it's like, you can 8 build 100,000 square foot supermarket or you can 9 build a 50,000 square foot supermarket. Smaller 10 buildings generate less traffic so we go by the 11 industry standards. 12 BOARD MEMBER: Have you done other 13 traffic studies along -- (unintelligible)? 14 MR. DEAN: I have, yes. 15 BOARD MEMBER: Approximately how many? 16 MR. DEAN: 20 to 25 different sites 17 over, you know, 32, 33 years. 18 MR. NEHMAD: I have a couple of redirect 19 questions, if I can, Mr. Chairman. 20 Mr. Dean, you were asked by Mr. Fay 21 whether you consider something with sun glare, 22 right? He asked you that question? 23 MR. DEAN: Yes, he did. 24 MR. NEHMAD: He asked would you consider 25 not just the peak hour traffic, which you traffic</p>	<p style="text-align: right;">96</p> <p>1 adjacent to this site, Route 35, is New Jersey 2 Department of Transportation, correct? 3 MR. DEAN: The DOT insofar as the design 4 of the access, where we have islands, where we need 5 to put signs, that's all dictated by DOT. That 6 doesn't mean that this board and your engineers 7 don't equally weigh into, which is why we talk 8 about the safety and efficiency of the design. Is 9 it consistent with your standards and we know that 10 there's a transition, right, the state's 11 jurisdiction ends at the right-of-way line. To a 12 degree we then come into the site and then your 13 driveway. Well, we want to make sure that those 14 design standards are compatible and in this case 15 they are. 16 MR. NEHMAD: My question is, Mr. Dean, 17 when you looked and did your study with the DOT 18 highway access permit, did you evaluate all 19 conditions which the DOT requires you to evaluate 20 in issuing your -- 21 MR. DEAN: Yes, we did. 22 MR. NEHMAD: Okay. Perfect. 23 And they're the agency that has 24 exclusive jurisdiction in terms of regulating 25 access to the state highway?</p>
<p style="text-align: right;">95</p> <p>1 engineers and DOT focus on when you look at the 2 traffic study, you look at the average daily 3 traffic flow, correct? 4 MR. DEAN: Well, he asked me about the 5 daily traffic number. I don't know, to Mr. 6 Gorman's citation, I don't know whether that was on 7 Route 35, the entire site, in and out daily, I 8 don't know. It's not really relevant because the 9 entire premise of traffic studies is, let's look at 10 those conditions when the system is most 11 constrained. I know what generates traffic at noon 12 but Route 35 isn't nearly as busy so we don't need 13 to look at it, because when I study those periods 14 when traffic is, I'll describe it at its worst and 15 we're still not showing a detrimental impact, I 16 know at all the other times, like at 2:00 in the 17 morning if it's open there would be traffic, but I 18 don't need to study to know it will have a 19 deleterious impact, so that's why traffic engineers 20 look at peak hours and we talk about impacts, but 21 as far as average daily traffic, you know, if I 22 said 23, that was an estimate three years ago. 23 MR. NEHMAD: Now, the agency that is 24 principally charged, matter of fact, exclusively 25 charged with regulating access to the state highway</p>	<p style="text-align: right;">97</p> <p>1 MR. DEAN: That is correct. 2 MR. NEHMAD: Would you say that they 3 perform a rigorous study under their regulations to 4 evaluate whether an access permit should be 5 granted? 6 MR. DEAN: They most certainly do and 7 frequently they ask for supplemental information 8 that, you know, addresses specific issues, as was 9 raised by Mr. Fay, which is the use of the 10 auxiliary lane, the confluence of driveways and the 11 interaction among other points of intersection on 12 the state highway and that's why, as I mentioned 13 before, the state says you need to be 100 feet away 14 from the corner. We're 100 feet away from New 15 Monmouth, for sure. We're also more than 100 feet 16 away from The Terrace, so we adhere to all those 17 objective standards the DOT uses for highway 18 safety. 19 MR. NEHMAD: Thank you, very much, 20 Mr. Dean. 21 CHAIRMAN MERCES: Mr. Fay, any 22 questions? 23 MR. FAY: Just a question. Thank you, 24 everyone. I appreciate you clearing that up, as 25 well, the 2,300, because the last time I came up</p>

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1 here that was an important point.
2 I'll put up my exhibit, if I may.
3 **MR. GORMAN:** We're going to have to mark
4 that but you can use it and then we'll just mark it
5 as O-1. Can you get us a copy or can we keep that?
6 **MR. FAY:** Yeah.
7 **MR. GORMAN:** If you don't mind, we can
8 keep it and file it.
9 We're going to mark the smaller copy for
10 the file as O-1 and I guess for right now we'll
11 just call it -- what is this?
12 **MR. NEHMAD:** Can I ask who prepared
13 this?
14 **MR. GORMAN:** One at a time.
15 **MR. FAY:** On the website.
16 **MR. GORMAN:** I'm sorry. For right now
17 we're just going to mark this O-1, Fay exhibit, and
18 we'll figure it what it is as we go along.
19 **MR. FAY:** I'd like to show everybody, as
20 well. So basically this is how a tractor trailer
21 would travel through the Wawa.
22 So with your testimony, you said that it
23 was safe or there was enough room for a trailer,
24 for a delivery truck -- so if the delivery truck
25 was on this site how would this truck get around

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1 him?
2 **MR. DEAN:** The truck, delivery truck
3 would be parked behind the building and the tanker
4 truck would circulate around that crosshatched area
5 that is depicted on the southerly side of the road.
6 **MR. FAY:** So the crosshatched area,
7 that's where trucks would park?
8 **MR. DEAN:** Correct.
9 **MR. FAY:** So when he comes across these
10 areas -- as a regular person would anyone mistake
11 these crosshatched areas sort of like a safe zone,
12 where they could stay and not be hit by a truck?
13 **MR. DEAN:** I don't know why a pedestrian
14 would be essentially loitering in the back of the
15 building.
16 **MR. FAY:** Or if they were traveling --
17 **MR. NEHMAD:** Excuse me.
18 **MR. FAY:** Or if they were walking --
19 **MR. NEHMAD:** Can the witness finish
20 answering the question?
21 **MR. FAY:** I apologize. I'm not an
22 expert. I'm just a simple person just asking the
23 question. I apologize if I keep --
24 **MR. NEHMAD:** Not at all. All I want you
25 to do is allow the witness to answer.

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1 **MR. FAY:** My apologies.
2 **CHAIRMAN MERCES:** I gotcha.
3 **MR. GORMAN:** I think we have to
4 establish a couple things. Your question stands.
5 I'm not trying to interrupt it. Number one, you
6 took this as a blow-up of a portion of their plans?
7 **MR. FAY:** From the website, yeah.
8 **MR. GORMAN:** Right. You blew up a
9 portion of their traffic plans?
10 **MR. FAY:** Right.
11 **MR. GORMAN:** The red markings on here --
12 **MR. FAY:** Those are my questions.
13 **MR. GORMAN:** Those are -- you're trying
14 to direct the witness to those areas on your --
15 **MR. FAY:** Exactly. It's a little too
16 tight for a truck and not to -- you know, we got
17 elderly people, young people in a parking lot.
18 Usually when I see like a yellow line, I say okay,
19 I'm on this side of the line, I should be safe. So
20 there's hash-marks, I guess those are where trucks
21 can park, as well?
22 **MR. DEAN:** The hash-marks are to
23 designate a no parking area. They're not striped
24 for parking.
25 **MR. FAY:** But the truck can park there?

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1 **MR. DEAN:** The truck can load there,
2 that's correct, or unload.
3 **MR. FAY:** So with Wawa, do they have one
4 truck a day that enters for delivery? Could there
5 be two trucks there?
6 **MR. DEAN:** Again, we have a witness that
7 will talk about the frequency, size of Wawa trucks.
8 You are correct in that they have vendor trucks,
9 but I need to get to the nature of your question,
10 which is that striped area.
11 **MR. FAY:** My question, sir --
12 **MR. NEHMAD:** Let him finish.
13 **MR. DEAN:** They are not curbed, which
14 would normally be the case, because as you
15 correctly identified, there are areas where,
16 because of the truck circulation, that truck would
17 otherwise run over the curbing, so it's provided
18 for striping, for snowplowing, for ease of
19 maintenance and to accommodate the one tanker truck
20 per day that is featured on this exhibit.
21 **MR. FAY:** As you -- in your professional
22 opinion you feel that safe pedestrian traffic --
23 (unintelligible). How many folks could be in the
24 parking lot? I'm sure that was part of your study.
25 Was that part of your study?

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1 **MR. DEAN:** When I evaluate this type of
2 design my expectation is that if someone is
3 standing outside enjoying a smoke or a cup of
4 coffee, whatever it is, and all of a sudden a very
5 slow moving enormous tractor trailer is circulating
6 around the building, I'm not gonna be a hero and
7 stand my ground. I'm going to move out of the way
8 and let the truck do its business. It's not a
9 dedicated sidewalk or pedestrian refuge area. It's
10 not a patio. There aren't chairs. If you see a
11 truck, you move. I mean, I don't understand the
12 question.

13 **MR. FAY:** My next question, have you
14 ever driven a 70 foot tanker truck?

15 **MR. DEAN:** I have not.

16 **MR. FAY:** Okay. In the military I have.
17 You can -- well, can you imagine that there are a
18 lot of blind spots when you drive a 70 foot tanker
19 truck?

20 **MR. DEAN:** Of course.

21 **MR. FAY:** So with the figure eight
22 you're experiencing definitely blind spots; am I
23 correct to say that?

24 **MR. DEAN:** No.

25 **MR. FAY:** You can imagine, if you're

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1 traveling a figure eight, there's blind spots,
2 there's one, there's one, there's the other one, so
3 you're making this very -- if blind spots are
4 dangerous this would be a very dangerous place; is
5 that correct?

6 **MR. DEAN:** The areas that you described
7 are on the driver's side of the truck and,
8 therefore, are not blind spots.

9 **MR. FAY:** So during this whole figure
10 eight there's never a blind spot, so if I'm coming
11 this way, I'm the driver, right, this way, driver,
12 driver, there's nothing elsewhere, I can have a
13 blind spot in that turn?

14 **MR. DEAN:** The red marks that you have
15 circled and put on this exhibit are for the
16 counterclockwise circulation of the truck as it
17 exits and those are not blind spots. They're
18 clearly visible from the driver's door. They're on
19 the left side.

20 **MR. FAY:** As an expert you're saying
21 there's no blind spots on the that side of the
22 truck?

23 **MR. DEAN:** I'm going to say it again.
24 The red marks you've drawn on this plan --

25 **MR. FAY:** Okay. Forget about the red

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1 marks. Any area on that map would there be a blind
2 spot with a 70 foot tanker truck?

3 **MR. DEAN:** When the truck makes the
4 clockwise maneuvering, he is then turning, in his
5 right rear corner he sees with a mirror, it is not
6 visible from his truck.

7 **MR. FAY:** In your professional opinion
8 if you were worried about someone's safety and they
9 were on the other side of the line and there was a
10 big truck coming, would that be safe for that truck
11 to cross that line?

12 **MR. DEAN:** I don't have that scenario.
13 (Multiple parties speaking.)

14 **CHAIRMAN MERCES:** Mr. Fay, can you --
15 you're getting into hypotheticals now.

16 **MR. FAY:** I'm sitting down. That's all
17 I wanted to say.

18 **CHAIRMAN MERCES:** Thank you, Mr. Fay.

19 **MR. FAY:** Thank you, everyone.

20 **CHAIRMAN MERCES:** Thank you for your
21 service.

22 **MR. NEHMAD:** Any questions?

23 **MR. GORMAN:** Did you speak last time?

24 **MR. DUNN:** I did.

25 **MR. GORMAN:** Your name for the record?

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1 **MR. DUNN:** Eric Dunn, D-U-N-N, 5 Trail.
2 **MR. GORMAN:** So you were sworn in last
3 time?

4 **MR. DUNN:** I was not.

5 **MR. GORMAN:** You were not sworn, okay.
6 Please raise your right hand just in
7 case we go into testimony.
8 ERIC DUNN, having been duly sworn, testified as
9 follows:

10 **MR. DUNN:** Just to go off of Mr. Fay's
11 tanker circulation, my question is, Mr. Dean, why
12 are you satisfied with circulation in this proposed
13 lot? Because when I walked the Leonardo Wawa lot
14 from right to left, from my standard paces, it was
15 180 to 190 paces and when I pulled up with my wife
16 to this lot and we got out from the old Two River
17 Bank from that curb, from the steps all the way to
18 the Chase curb, that was only 70 to 80 paces, so
19 why are you so satisfied with the circulation?

20 **MR. DEAN:** I'm satisfied by the
21 circulation and I don't know about Leonardo and I
22 don't know paces. I look at a plan that is
23 designed to scale with measurements that has been
24 vetted by Wawa, that has been prepared by Mr.
25 Kennedy, that follows standard engineering

<p style="text-align: right;">106</p> <p>1 practice. This design is consistent with Wawa 2 throughout their system, maybe not identical to 3 Leonardo. I don't really -- (unintelligible) -- 4 that site but each site has its own different 5 circumstances and that's why each site gets 6 evaluated with the templates that Mr. Fay showed 7 that Mr. Kennedy has depicting to make sure it 8 works. I'm not in the business of advocating 9 before this board for anything that's inherently 10 unsafe, so I've looked at it and it meets, in my 11 professional opinion, all of the appropriate 12 standards for design and engineering. Is it 13 different than other Wawas, of course it is, each 14 site is different.</p> <p>15 MR. DUNN: All right. Next question. 16 You referenced the right lane coming down 35 South. 17 That was a multi purpose auxiliary lane --</p> <p>18 MR. DEAN: Correct.</p> <p>19 MR. DUNN: -- as you referenced it? 20 With the severity of that slope and the 21 obstruction of the wooded area, wouldn't you think 22 putting more appurtenance off to the right side 23 would make it more dangerous?</p> <p>24 MR. DEAN: Well, hopefully you can 25 appreciate that this is a commercially zoned site.</p>	<p style="text-align: right;">108</p> <p>1 asked questions and there were some issues, you 2 know, arising, it turned into a free-for-all, 3 anyone can use it. So anyone can use that first 4 driveway, whether it's permitted office use or Wawa 5 customer?</p> <p>6 MR. DEAN: There is no restriction to 7 the use of the northerly or westerly driveway 8 closest to the --</p> <p>9 MR. DUNN: Okay. So someone's pulling 10 down The Terrace -- is that correct, The Terrace, 11 essentially?</p> <p>12 MR. DEAN: The Terrace.</p> <p>13 MR. DUNN: If someone's pulling down The 14 Terrace approaching the stop sign --</p> <p>15 MR. DEAN: Correct.</p> <p>16 MR. DUNN: -- and they're trying to 17 accelerate and someone, maybe a local, is coming up 18 50 plus miles per hour down that slope and, you 19 know, hopefully when they realize where they are, 20 pass all the wooded area off to the right and they 21 quickly shift over, do you think that is a 22 hazardous spot from accelerating off of The Trail 23 to decelerating to that lot, then going into the 24 first driveway, not the main entrance but the first 25 driveway?</p>
<p style="text-align: right;">107</p> <p>1 The planning board and the governing body has 2 deemed this particular use to be an appropriate one 3 to be developed on the site and I understand that 4 you may have diversion opinion from that but 5 essentially we're fulfilling the blueprints of what 6 is supposed to be developed on this site. I've 7 looked at the grading. I've looked at visibility. 8 I've looked at the amount of site frontage and 9 candidly, take my opinion for what it's worth, but 10 DOT has looked at it and it's their highway and 11 it's their auxiliary lane and it's their curb-cuts. 12 We met their standard of proof so I don't find 13 anything inherently dangerous, whether it's Wawa, 14 Friendly's, a Sonic, whatever else is permitted in 15 the B-3 zone that could otherwise be developed on 16 this site. It has the same issues relative to the 17 auxiliary lane, the driveway dimensions, where the 18 driveway would wind up. I don't care what we put 19 here, it still has to have a driveway, and we meet 20 the appropriate design standards for a commercial 21 use.</p> <p>22 MR. DUNN: Specific to the first 23 driveway, to my understanding from our last session 24 together, that was supposed to be permitted office 25 use only and then kind of half way when you guys</p>	<p style="text-align: right;">109</p> <p>1 MR. DEAN: Sure. This is not a new 2 driveway. It serves the site today. If there was 3 a compelling safety issue with the use of that 4 driveway this community would know it well before 5 this application. I think there was a question 6 posed by one of the board members about putting a 7 Wawa sign at that particular location. I think out 8 of the concern that you expressed, Mr. Fay, making 9 sure that people leaving The Terrace have as much 10 room as possible, that's one of the reasons I 11 didn't think we would want to further direct Wawa 12 traffic to that particular driveway, but I don't 13 find it to be unsafe or unduly hazardous, and 14 experience tells us that it hasn't been a problem 15 for access to this site, so that's why we have 16 those objective standards of spacing from 17 intersections and this site satisfies all of that. 18 We want to make sure that we have enough distance 19 between successive driveways and intersections.</p> <p>20 MR. DUNN: Okay. Thank you.</p> <p>21 MR. DEAN: You're welcome.</p> <p>22 MR. DUNN: For the first driveway, in 23 terms of volume coming in and serving the same 24 purpose as the Two River Bank you just said, is 25 that volume the same coming in along the first</p>

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1 driveway with the Two River Bank customers compared
 2 to the Wawa?
 3 **MR. DEAN:** I'm not sure I --
 4 **MR. DUNN:** Are they two different
 5 animals or are they the same? You said they serve
 6 the same purpose, we ran into no problems at all.
 7 So old customers coming into the Two River Bank,
 8 was a number, you know, per hour or in that given
 9 time frame was the number the same of the customers
 10 for Two River as the customers we're going to see
 11 for Wawa?
 12 **MR. DEAN:** No. The bank would have had
 13 less traffic.
 14 **MR. DUNN:** Okay. Well, that's an issue.
 15 **MR. DEAN:** Well, it isn't.
 16 **MR. DUNN:** It is.
 17 **MR. DEAN:** And that's what I said
 18 before.
 19 **MR. DUNN:** It is.
 20 **MR. DEAN:** Safety is minor. It either
 21 works for everyone or it works for no one. There's
 22 not a scale that says, you know what, I have 50
 23 cars per hour in driveway C and 75 cars per hour,
 24 that driveway's unsafe. There's no such thing.
 25 **MR. DUNN:** You did say it was a bigger

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1 risk, though?
 2 **MR. DEAN:** I can't. If it's design
 3 safety --
 4 **MR. DUNN:** So if there's, if there's
 5 1,000 cars coming down or 10 cars coming down, it
 6 stays the same?
 7 **MR. DEAN:** Well, if we added 1,000 cars
 8 coming down at that juncture DOT would look at this
 9 completely differently, but we're looking at a
 10 relative impact of 106 cars per hour, the majority
 11 of which are already on Route 35. They're not new.
 12 They're already there. We're just diverting them
 13 into the site because it's quick and convenient, so
 14 safety is -- that's why I say whether it's one car
 15 or 100, it's all the same. If we got to 1,000,
 16 sure, we might need a longer lane, we might need
 17 other improvements on the highway, and that's why
 18 it goes to DOT.
 19 **MR. DUNN:** Now, from where Bobby's Auto
 20 Precision is, where that slope starts, why are you
 21 guys trying to squeeze it in in the middle location
 22 prior to -- why would you choose a corner location?
 23 **MR. DEAN:** Well, that's a whole
 24 different question. Is that what you --
 25 **MR. DUNN:** That's the question.

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1 **MR. DEAN:** We are --
 2 **MR. DUNN:** You invited, you invited me
 3 to the meeting. That's my question.
 4 **MR. DEAN:** We are a corner location.
 5 **MR. DUNN:** How is a corner location
 6 defined?
 7 **MR. DEAN:** If we have access --
 8 **MR. DUNN:** CVS to me is a corner
 9 location.
 10 **MR. DEAN:** We have access to New
 11 Monmouth Road. We have access to the corner. Are
 12 we physically at where CVS is, no, but the fact
 13 that we enjoy the benefits of that access and, in
 14 fact, board members were expressing concerns about
 15 the driveway movements and the lane truck and
 16 people needing to get back into the middle lane on
 17 Route 35, we actually have an advantage over being
 18 at the corner lot inasmuch as we're further north,
 19 so we have more distance for traffic to do that
 20 maneuvering before the lane drop, and even if you
 21 look at -- this is exhibit A-1. If you look at the
 22 distance between The Terrace, which is to our left,
 23 and New Monmouth Road and the lane drop at the
 24 jug-handle to our right, if you look at where the
 25 proposed Wawa driveway is, it's right in the

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1 middle. I really couldn't come up with a better
 2 location in putting it in the middle of that
 3 highway frontage, so we're not on top of the
 4 Terrace, you know, we're not in the wooded area
 5 which is on the site and if there's a concern with
 6 visibility, I'm not an advocate of taking down
 7 trees unnecessarily but if there is that concern we
 8 control all of that frontage and that vegetation
 9 can come down. I don't recommend it but, you know,
 10 to the detriment I think of the aesthetics of the
 11 neighborhood, we want to keep that buffer.
 12 **MR. DUNN:** Got it.
 13 **MR. DEAN:** We do control that, so that's
 14 why I think it is in a very safe location and
 15 certainly by identifying the Wawa driveway with a
 16 sign is appropriate so we get that traffic coming
 17 in in the middle. I really can't --
 18 **MR. DUNN:** That's where I think we just
 19 don't see eye to eye, because when I'm driving down
 20 the hill, Mr. Dean --
 21 **CHAIRMAN MERCES:** Mr. Dunn, this is
 22 questions.
 23 **MR. DUNN:** Okay. Is the Chase and CVS
 24 entrance further down more beneficial and safer
 25 than the entrance to Wawa?

1 **MR. DEAN:** I don't have an opinion on
2 that. They are designed equally to meet the DOT
3 standards. I think as far as the ordinance is
4 concerned, the Wawa driveway is superior in that
5 you will note the Chase driveway -- I know it's
6 difficult to see from the dais, but the driveway
7 that was constructed for Chase has a minimal
8 setback and then we're the first cross connection.
9 They don't have 100 foot throat. Your ordinance
10 requires the 100 foot throat. The Wawa site does,
11 so in terms of safety, yes, the Wawa driver as far
12 as whatever rationale is used in developing that
13 throat standard, the fact that we need it, I would
14 argue that we have a safer driveway.

15 **MR. DUNN:** Mr. Dean, do you feel like
16 the Wawa visitors will be entering the entrances at
17 a faster speed as opposed to Chase or CVS?

18 **MR. DEAN:** No.

19 **MR. DUNN:** Do you feel like it's the
20 same speed to the CVS entrance compared to the
21 first driveway entrance of the old Two River Bank?

22 **MR. DEAN:** I'm not sure of that
23 question.

24 **MR. DUNN:** Do you want me to repeat it?

25 **MR. DEAN:** Maybe rephrase it. I'm not

1 curb so there's a little lip as one comes in. If a
2 driver were to come in a little too hot, he'll
3 slide right off the road and into the trees, so one
4 has to operate their vehicle in a safe and
5 reasonable manner and whether it's the Wawa
6 driveway or whether it's the old bank driveway,
7 drivers still have to enter that at, excuse me, a
8 comparable rate of speed as they would to CVS. The
9 Wawa driveway is virtually identical to CVS.

10 **MR. DUNN:** We enter at a speed of 34 to
11 40 miles per hour responsibly and that was us, you
12 know, that was us considering the person is, you
13 know, right on our butt, so we had within using
14 that first driveway 30 to 40 miles per hour. I
15 wouldn't be doing that at the same speed as --

16 **MR. NEHMAD:** Mr. Chairman, is this
17 questions or testimony?

18 **MR. DUNN:** Thank you.

19 **MR. NEHMAD:** Thank you.

20 **CHAIRMAN MERCES:** Questions for --

21 **MR. GORMAN:** Your name again, sir.

22 **MR. FLANDER:** Morris Flander, 9 The
23 Trail.

24 **MR. GORMAN:** You were sworn in the last
25 time?

1 understanding.

2 **MR. DUNN:** Okay. So if I'm -- I can't
3 do -- if a car -- when you enter the first
4 driveway --

5 **CHAIRMAN MERCES:** You can use
6 hypotheticals.

7 **MR. DUNN:** Okay. I'm driving down
8 Highway 35 at a rate of 50, right, I'm coming down,
9 I'm following the speed limit, following the law
10 and I'm looking to approach the first driveway
11 which we turn, the first driveway, the old Two
12 River Bank entrance.

13 **MR. DEAN:** Understood.

14 **MR. DUNN:** Okay. Am I approaching that
15 driveway at a faster speed opposed to me cruising
16 down, taking my time, getting into the auxiliary
17 lane and turning into CVS, will I be approaching
18 the same speed or will most people be approaching
19 the same speed, first driveway compared to the CVS
20 driveway?

21 **MR. DEAN:** I think --

22 **MR. DUNN:** What do you think?

23 **MR. DEAN:** I don't see a difference in
24 speed. One needs to decelerate from a highway
25 speed to enter a site safely. There is a depressed

1 **MR. FLANDER:** Yes.

2 **MR. GORMAN:** Okay.

3 **MR. FLANDER:** So I'm trying to figure
4 out how to phrase this question so it makes sense.
5 You talked about traffic on 35 and New Monmouth,
6 the increase to the changes in the lane to the
7 Wawa. I'm trying to understand why there isn't
8 consideration for the side roads that also lead to
9 35.

10 **MR. NEHMAD:** I'm sorry. Can you repeat
11 that, Morris? I can't hear.

12 **MR. FLANDER:** I'm trying to understand
13 why traffic count impacts wouldn't be considered on
14 side roads adjacent to Wawa, whether that's The
15 Trail -- (unintelligible). There is streets
16 between there and Kings Highway, but being it's a
17 means of access to the location -- I don't disagree
18 with your statement that it doesn't -- it's not
19 very inviting, it's not very direct, but it is a
20 means of access.

21 **MR. DEAN:** I'll explain why. I mean,
22 first off, we're before the planning board because
23 this is a permitted use and in that regard, you
24 know, the test we need to meet is to ensure that we
25 have a safe means of ingress and egress. Second to

<p style="text-align: right;">118</p> <p>1 that is at major intersections, in this case New 2 Monmouth Road and Route 35, could this development, 3 even though it is permitted, could it have some 4 type of impact at that particular location where 5 the site traffic is logically most concentrated, is 6 there a degree of impact wherein an applicant needs 7 to either fix something, right, we need to do 8 something to the intersection to make it work 9 better, and we studied that, and as we get into 10 secondary intersecting streets, we don't study 11 those. We would in one case and that is if the 12 Wawa had access to The Trail and some of that 13 traffic could circulate through the neighborhood 14 and possibly loop around and get back on 35, then I 15 would say yes, because we would have an impact at 16 The Terrace and Route 35, but by directing all of 17 our traffic to either Route 35 or New Monmouth Road 18 and the fact that The Trail comes out and can only 19 turn right at its own stop sign and the fact that 20 the Wawa is not adding any traffic, we don't have 21 any means of connection. I don't have an 22 obligation to study that. That's a study that goes 23 far afield from a site, specific site. I mean, I'd 24 love to charge the applicant a fee to do it but at 25 the end of the day it's still the same traffic</p>	<p style="text-align: right;">120</p> <p>1 or you can go right and left on to New Monmouth, I 2 was stopped and I sat at the light and from the 3 light turning green to me getting left, down The 4 Trail and into the parking lot of Friendly's took 5 me a minute and 42 seconds. I then backtracked all 6 the way back around and came back to the train 7 station and sat at the light, it turned green, I 8 hit my stopwatch again, it took me a minute and 10 9 seconds. It's much longer to go through The Trail. 10 I understand your question but -- 11 MR. FLANDER: To me, from my background, 12 it makes no sense why you'd cut through there but 13 people do it. There are various times with the 14 prior uses, I think it was actual lower volumes of 15 people coming and going. 2,300 cars expected in 16 the previous design, probably this is 2,100 a day, 17 whatever, there's obviously a higher impact. If 18 there were that many cars in Friendly's they would 19 still be there, you know, so it just seems that, 20 whether it's an intelligent use of the roadway -- 21 CHAIRMAN MERCES: Questions. 22 MR. FLANDER: I think that we, if we're 23 going to say -- I don't know. I'm curious why that 24 wasn't part of the study. 25 MR. NEHMAD: Mr. Chairman, respectfully,</p>
<p style="text-align: right;">119</p> <p>1 that's there, that you see today. We're not 2 changing the characteristics of operations of that 3 intersection so that's why -- you know, it would be 4 great to do huge traffic studies on a municipal 5 basis for each leg of an application but that's 6 really why this board looks at the aggregated 7 impacts as, you know, from next door or this site 8 and these other sites and review the circulation 9 element or commissioning municipal traffic studies 10 to address, you know, specific issues, but that's 11 why we didn't. I mean, it's not, it's not -- it's 12 an omission by design. Again, because you can only 13 turn right it's pretty straightforward. Whether 14 it's Wawa, you know, a Goodwill store, whatever it 15 is, whatever's permitted in the zone, we don't 16 change the configuration of that intersection for 17 traffic using it. 18 CHAIRMAN MERCES: Just to let you know, 19 I did my own little research study. I lived in -- 20 (unintelligible) -- section of Middletown. My 21 street -- (unintelligible). I don't drink coffee 22 so I'm not going to Wawa for coffee. I was very 23 curious as to if someone came from my section of 24 town and got to the end of Church Street, you can 25 either make a left and then a right on to The Trail</p>	<p style="text-align: right;">121</p> <p>1 all this testimony about trips per day, 2 respectfully, it's irrelevant because the use is a 3 permitted use. The ordinance calculates the trip 4 generation from this use -- (unintelligible). What 5 we have to do is satisfy the standards of the 6 highway regulatory agencies that control us, which 7 is DOT and Monmouth County Planning Department and 8 we have. I would love to continue to object, 9 object, object, but as you know, it's a permitted 10 use and Mr. Gorman well knows, there's -- 11 (unintelligible) -- and all these cases, it's a 12 permitted use and off site traffic congestion is 13 irrelevant. The issue is does the planning provide 14 from the case law -- (unintelligible) -- from a 15 safe and efficient access. 16 CHAIRMAN MERCES: I appreciate that, but 17 obviously the public does have the right to ask. 18 MR. NEHMAD: I understand. That's why I 19 didn't object every single time. 20 CHAIRMAN MERCES: Mr. Dean, we have a 21 couple more questions. You have to come up. 22 MR. GORMAN: Mr. Dunn, we're going to 23 have to -- if that's an exhibit -- 24 MR. DUNN: I'm going to use this for the 25 question.</p>

<p style="text-align: right;">122</p> <p>1 MR. GORMAN: All right. Well, you 2 can -- when it's appropriate and you want to use 3 it -- 4 MR. DUNN: Mr. Dean, just for 5 clarification, in terms of the location of the main 6 entrance to Wawa, so not talking about the first 7 driveway over, okay, so the location of the main 8 entrance to Wawa and the location of the exits to 9 Wawa, can you explain that to me one more time? 10 MR. DEAN: On the site plan the Wawa, 11 the new Wawa driveway features a right in, right 12 out to the easterly or southerly side of the site. 13 Behind the Chase is a two way driveway separated by 14 an island. There is a secondary exit that is in 15 between the former Twin Rivers Bank canopy that 16 will allow also right turn ingress and then we have 17 the driveway where you expressed the concern, 18 westerly or northerly in the site closest to the 19 Terrace. 20 MR. DUNN: Who can turn out of that 21 secondary exit? 22 MR. DEAN: Anyone. 23 MR. DUNN: Anyone. 24 Do you feel that, do you feel that 25 secondary exit will be used more than the exit</p>	<p style="text-align: right;">124</p> <p>1 then using the main entrance, not the first 2 driveway? 3 MR. DEAN: I do not. That traffic is 4 stop sign controlled and if there's traffic 5 approaching in the auxiliary lane, whether it's 6 going to the Wawa, whether it's going to CVS, 7 whether it's going to New Monmouth, that traffic, 8 much the way it would -- (unintelligible) -- that 9 traffic yields until there's an appropriate break 10 and then they exit, so no, there's nothing unusual 11 or unconventional about that access, and again, got 12 to go back, I don't mean to -- (unintelligible) -- 13 we meet the DOT spacing criteria between successive 14 driveways. 15 MR. DUNN: I'm just -- (unintelligible). 16 Human reaction here is -- (unintelligible). 17 Okay. In terms of the transition, if 18 someone were to pull in the first driveway right 19 near the exit and they were to go down into the 20 Wawa lot, I know there's that change in elevation 21 that we mentioned, depending on weather conditions, 22 right, whether it's raining a lot or snowing a lot, 23 does that present a risk of going down and entering 24 the flow and possible large trucks due to the 25 figure eight, because --</p>
<p style="text-align: right;">123</p> <p>1 closer to the light? 2 MR. DEAN: I -- 3 MR. DUNN: Based on the circulation 4 that -- 5 MR. DEAN: It depends on, for example, 6 if somebody were to enter to the west they would be 7 facing the convenience store building and for them 8 to make a u-turn to leave, it could be done. I 9 think that the natural path is to continue south so 10 that that individual could turn left and could 11 continue to the new Wawa driveway behind Chase. If 12 traffic uses the second Wawa driveway and they're 13 facing Route 35, that driveway is a little easier 14 to get to and that traffic may circulate and exit 15 and then the office or whatever continues to occupy 16 the bank building, they would use that driveway, as 17 well. 18 MR. DUNN: Do you feel that secondary 19 exit would be used more depending on the volume, 20 the light situation and competing with Chase and 21 CVS customers? 22 MR. DEAN: No, I don't. 23 MR. DUNN: Do you feel like the 24 secondary exit presents a danger of people getting 25 off to the right early for the auxiliary lane and</p>	<p style="text-align: right;">125</p> <p>1 MR. GORMAN: Well, before we start with 2 this, we're going to have to mark it, identify it, 3 let Mr. Nehmad take a look at it, things like that. 4 So what is -- before we start, what is this? 5 MR. NEHMAD: Photo. 6 MR. DUNN: This is me standing in front 7 of the steps leading down from the bank into the 8 proposed Wawa lot and it's just showing the change 9 in elevation. I know the last meeting we had some 10 concerns of how that was going to be graded 11 properly and I'm thinking, you know, with weather 12 conditions that could be -- if someone was whipping 13 into the first driveway, that's -- 14 MR. GORMAN: So are there pictures or 15 photos on the other side, as well? 16 MR. DUNN: Yes. That was if we -- 17 MR. GORMAN: Is that something else? 18 MR. DUNN: If we're able to comment 19 later on, not just that specific question. 20 CHAIRMAN MERCES: After all the 21 testimony is done? 22 MR. DUNN: The other side is for public 23 comment. 24 MR. GORMAN: Do you have any other 25 copies of that?</p>

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1 **MR. DUNN:** I do not.
2 **MR. GORMAN:** Can you take it off that
3 board?
4 **MR. DUNN:** Yes. Absolutely.
5 **MR. GORMAN:** Why don't you take it off
6 the board. We'll mark it as O-2 and we're just
7 going to -- right now we're just going to call it
8 Dunn photo.
9 **BOARD MEMBER:** Let me say one thing. I
10 was the one that addressed that and what I believe
11 was said was that property was going to be --
12 (unintelligible). The drive-through on that other
13 building was going to be taken down so that it's
14 going to transition into that.
15 **MR. DUNN:** Will it transition nicely?
16 **BOARD MEMBER:** I don't know that. I
17 didn't see the distance. Once they said that to
18 me, that kind of satisfied my question to them
19 based on the distance that you had from the parking
20 lot of Friendly's to the drive-through of the bank.
21 **MR. DUNN:** Okay.
22 **BOARD MEMBER:** That's why I stopped at
23 that point, when they said that to me.
24 **MR. NEHMAD:** That's correct. Jim
25 Kennedy did discuss it.

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1 **BOARD MEMBER:** Yes. I recall that. I'm
2 the one that asked the question.
3 **MR. GORMAN:** Nonetheless, we still
4 need that. I mean, if you need a copy of it back,
5 certainly you can --
6 **MR. DUNN:** Thank you. I appreciate it.
7 **MR. GORMAN:** Thank you.
8 **CHAIRMAN MERCES:** Thank you, Mr. Dunn.
9 Was there a question?
10 **MR. NEHMAD:** No. I think the question
11 was of the civil engineer, had to do with the
12 grading. I don't think it's the traffic engineer,
13 it's a civil engineer question, which Jim discussed
14 last time.
15 **CHAIRMAN MERCES:** Anybody else for
16 Mr. Dean, questions?
17 **MR. DEAN:** Thank you all for your time.
18 **MR. NEHMAD:** May I proceed?
19 **CHAIRMAN MERCES:** Yes.
20 **MR. NEHMAD:** Thank you, Mr. Chair. I
21 call Matt Sharo.
22 **MR. GORMAN:** Sir, before we begin, just
23 state your name, spell your last name, please.
24 **CHAIRMAN MERCES:** Hold on. Before Mr.
25 Sharo, just a quick two minute recess.

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1 (A recess is taken.)
2 **MR. NEHMAD:** State your name for the
3 record.
4 **MR. SHARO:** Matthew Sharo, S-H-A-R-O.
5 MATTHEW SHARO, PE, having been duly sworn,
6 testified as follows:
7 **MR. GORMAN:** And just your business
8 address, please.
9 **MR. SHARO:** My business address, 1904
10 Main Street, Lake Como, New Jersey 07719. That's
11 Dynamic Engineering.
12 **MR. NEHMAD:** Mr. Sharo, by whom are you
13 employed?
14 **MR. SHARO:** Dynamic Engineering.
15 **MR. NEHMAD:** And in what capacity?
16 **MR. SHARO:** Principal there, about four
17 years now.
18 **MR. NEHMAD:** And you're a Licensed
19 Professional Engineer?
20 **MR. SHARO:** Yes, sir.
21 **MR. NEHMAD:** And you specialize in civil
22 engineering?
23 **MR. SHARO:** Yes, sir.
24 **MR. NEHMAD:** Tell us a little bit about
25 Dynamic Engineering. What do you do, who are you

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1 and --
2 **MR. SHARO:** So Dynamic Engineering is an
3 all in one -- (unintelligible) -- firm. We do
4 traffic survey, civil work, geo-tech design work.
5 We work in basically the Eastern Seaboard and in --
6 (unintelligible) -- as well.
7 **MR. NEHMAD:** Okay. And what is your
8 relationship to Wawa?
9 **MR. SHARO:** What we do is basically we
10 are a project manager for Wawa, so we are consulted
11 by Wawa, and this is just in the State of New
12 Jersey. Wawa obviously has other consultants in
13 other states that they operate in, but just in the
14 State of New Jersey we are basically the project
15 manager. We assist the real estate team from the
16 time they get a potential site from the developer
17 or from the realtor or real estate broker to the
18 time the store opens. We assist them in that
19 process. As, you know, technically, operationally,
20 we make sure that throughout the whole process Wawa
21 standards are being held to, so not only do we see
22 our own design work but we actually review other
23 people's design work just as Mr. Kennedy --
24 (unintelligible).
25 **MR. NEHMAD:** So you are a Licensed

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1 Professional Engineer in the State of New Jersey
 2 specializing in civil engineering?
 3 **MR. SHARO:** That's correct.
 4 **MR. NEHMAD:** And if I understand your
 5 testimony correctly, you and your firm both design
 6 site plans for Wawa in New Jersey and you also
 7 review other plans from other developers, such as
 8 Mr. Beller and -- (unintelligible) -- Mr. Kennedy
 9 have designed, you review them independently on
 10 behalf of Wawa?
 11 **MR. SHARO:** That's correct. We've seen,
 12 my office, there's two of us that we've seen every
 13 potential site plan for Wawa in the last seven or
 14 eight years.
 15 **MR. NEHMAD:** And how many Wawa site
 16 plans have you or your firm worked on in the State
 17 of New Jersey?
 18 **MR. SHARO:** Me, personally, 30 to 35.
 19 My firm, probably 60, 70 over the last 10,
 20 15 years.
 21 **MR. NEHMAD:** And how many Wawa stores
 22 does New Jersey have fueling facilities?
 23 **MR. SHARO:** Currently about 170. There
 24 are more opening up in the next couple months.
 25 There are six or seven that are -- there's 10 that

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1 are in construction now and about six more that are
 2 opening up in the next couple of months.
 3 **MR. NEHMAD:** Thank you.
 4 Mr. Chairman, I offer him as an expert
 5 not only as a civil engineer but also one
 6 intimately familiar with Wawa and its operational
 7 characteristics.
 8 As a result of the work you've done for
 9 Wawa are you fully familiar with not only the site
 10 plans of the design but the nature of the business
 11 operations of a Wawa such as this?
 12 **MR. SHARO:** Yes. So obviously we review
 13 all the site plans, including this one, and we work
 14 independent -- well, not independently but we
 15 basically assist Wawa with their operations
 16 internally. We develop -- my office developed a
 17 frequently asked questions report for Wawa that
 18 does supply -- that basically, any question that
 19 comes up in situations like this, we do the
 20 research, we put together the answers for Wawa, so
 21 we have intimate knowledge of the operations of
 22 Wawa.
 23 **MR. NEHMAD:** And have you learned, you
 24 and your firm learned in your experience in working
 25 with Wawa and fuel in the site plans, when it's a

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1 fueling and convenience store business was in 1996,
 2 correct?
 3 **MR. SHARO:** That's correct.
 4 **MR. NEHMAD:** As a result of that have
 5 you learned about how the site plans for a Wawa
 6 convenience store with fueling have evolved since
 7 1996?
 8 **MR. SHARO:** Yes. So I wasn't doing this
 9 in 1996 but I know how it's evolved, living in New
 10 Jersey, knowing those sites. You saw the big sites
 11 like down in Atlantic City or over by Great
 12 Adventure, even over in Wawa along Route 34 in --
 13 (unintelligible) -- those big expensive sites are
 14 sitting like castles on a corner.
 15 **MR. NEHMAD:** When you say Atlantic City,
 16 you mean Atlantic City --
 17 **MR. SHARO:** Sorry.
 18 (Multiple parties speaking.)
 19 **MR. SHARO:** That's how Wawa started in
 20 1996, bigger and better, right. You know, we got
 21 these, you know, put up these big, nice canopies
 22 and the big stores and we'll, you know, we'll, you
 23 know, mix them up, but over the years opening those
 24 stores it slowly evolved into making them smaller,
 25 making them more efficient, because those big

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1 expensive canopies, they used to call them the wing
 2 canopies, they're basically, like, two canopies,
 3 two separate canopies on either side of the store
 4 so it would come in an L around the store and they
 5 were big and expensive. The -- (unintelligible) --
 6 in the middle, there was, you know, a ton of
 7 pavement all around. What they decided, they went
 8 into this, as Mr. Dean stated before, they've gone
 9 to this figure eight layout which is much more
 10 efficient from a vehicle/pedestrian standpoint,
 11 much more efficient for trucks and deliveries.
 12 They've learned that after opening those, you know,
 13 few stores in the beginning, they learned that
 14 actually smaller is better. They've actually been
 15 taking their building size down, they have more
 16 product, they become more efficient and have
 17 smaller building footprints now than they did when
 18 they first opened, so as time went on, 25 years,
 19 they've become efficient in what they do.
 20 **MR. NEHMAD:** And you said that your firm
 21 looked at some of the first Wawas, which had --
 22 (unintelligible) -- paving, wing canopies they
 23 called them where they were set at 45 degrees
 24 angles to the store?
 25 **MR. SHARO:** Yes.

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1 **MR. NEHMAD:** And they paved a large
2 area, thinking more paving was better, and actually
3 the experience has been counterintuitive, it's
4 actually more paving was not as good because the
5 vehicles would circulate without being channelized
6 on site?
7 **MR. SHARO:** Yeah. So basically, you
8 know, I'll try to reference, I'll reference the one
9 in -- near Great Adventure. I'm sure everybody has
10 seen it or driven by it going to Great Adventure
11 off 95 there. You enter that off that main road,
12 you have a decision, when you come in you have a
13 decision to make, you have to make a right before
14 the canopy, a left before the canopy, go between
15 the canopy, go left after the canopy. It's very,
16 you know, it was very confusing and it created, I
17 don't want to say chaos but it created, you know,
18 keep cars going different ways, cars leaving the
19 fueling position and going the wrong way, whereas
20 you have this figure eight configuration here, you
21 know which way you have to go. You have to pull
22 forward and go to the right or left. You don't
23 have, you don't really have a decision to make,
24 where at those big open sites they did, and Wawa
25 realized that and started going to this

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1 configuration, as well as Mr. Dean stated, other
2 similar types of uses do the same thing. They all
3 are set up the same way.
4 **MR. NEHMAD:** Now, are all of the newer
5 Wawa stores figure eight design when the store and
6 gas canopy being in front of the store or side by
7 side with the configure eight circulation?
8 **MR. SHARO:** Yes. So it was mentioned,
9 the other site in town, it's actually side by side
10 but still creates the figure eight. It still
11 creates that circle around the canopy and circle
12 around the store. Whether it's the canopies in
13 front of the store or side of the store, it still
14 creates that figure eight pattern which is super
15 efficient for this type of use.
16 **MR. NEHMAD:** Now, obviously Wawa takes
17 the design of their new stores very seriously.
18 Fair statement?
19 **MR. SHARO:** Very, yes.
20 **MR. NEHMAD:** All right. So in addition
21 to being reviewed by the design engineer, Mr.
22 Kennedy, Mr. Dean, it's also reviewed by you and
23 Dynamic Engineering and traffic engineering in your
24 firm, as well?
25 **MR. SHARO:** That is correct. So what

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1 we -- part of what we do for Wawa is we will
2 make -- we will take -- (unintelligible). We'll
3 provide a concept first for the site, the developer
4 comes to Wawa, says may we, you know, design the
5 site, we come up with a concept, we edit out
6 internally on our end, as well as our traffic
7 people look at it from an access perspective,
8 circulation perspective, you know, if we're gonna
9 get full movement here, full movement on the site,
10 we look at it all sorts of ways, we provide that
11 analysis to Wawa in the early stages of the
12 development and they take that information and they
13 use it and distribute it throughout their whole
14 company. There's operations, there's fueling,
15 there's security, they all review it internally.
16 **MR. NEHMAD:** Now, I take it that Wawa
17 and you evaluate the site plan like this on behalf
18 of Wawa, you look at not only -- you look at
19 compliance with local zoning in terms of
20 circulation, correct?
21 **MR. SHARO:** That's correct. So
22 obviously, you know, we exceed the local zoning
23 here but Wawa tends to exceed the local zoning for
24 Wawa parking -- (unintelligible) -- because of the
25 efficiency and the type of use with the turn-around

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1 of cars and vehicles.
2 **MR. NEHMAD:** They do that, I take it,
3 for a couple reasons. Number one, they want to
4 make the stores safe and efficient in terms of
5 obviously potential -- (unintelligible) -- correct?
6 **MR. SHARO:** That is correct. For
7 vehicles and pedestrians, as well.
8 **MR. NEHMAD:** Okay. And they also want
9 to ensure that the stores are efficient so that
10 consumers can get in and out quickly, which helps
11 revenue?
12 **MR. SHARO:** It's a convenience store.
13 They want convenient access. They want convenient
14 circulation. They want cars to get in and out.
15 **MR. NEHMAD:** Now, this store is on the
16 site of a conservation easement of nine plus acres
17 but the store where the office building is on site
18 is about 3.65 acres, correct?
19 **MR. SHARO:** That's correct.
20 **MR. NEHMAD:** Now, are you aware of other
21 Wawa stores that have been built or approved that
22 are on similarly sized parcels such as this with
23 similar layout?
24 **MR. SHARO:** Yeah. So there is -- I
25 researched that. I could go through them if you

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1 want, but basically, this type of use now, this
 2 type of use is now becoming -- it's not the castle
 3 on the corner anymore. It's -- it would become
 4 part of overall developments. You see here, you
 5 know, I'll consider this one an overall development
 6 because of CVS and the bank and the existing
 7 office, but there's plenty in Fairfield, you know,
 8 Wawa with the bank, in Mount Laurel Wawa with a
 9 liquor store and Dunkin Donuts, in Lawrenceville
 10 it's a Wawa and McDonald's, so Wawa is becoming a
 11 more shared use on properties in later years.
 12 Those are the ones that are open now. The ones
 13 that are opening in Freehold, I'm not sure if
 14 you've driven up and down or not, Butler up in
 15 North Jersey, Ocean Township, they're all approved,
 16 they're all similar and the fact that they are not
 17 just the same old Wawa, they are part of an overall
 18 development that has become a bigger use.
 19 **MR. NEHMAD:** And --
 20 **CHAIRMAN MERCES:** Hold on. I think
 21 we're kind of getting into maybe a marketing sales
 22 pitch.
 23 **MR. NEHMAD:** Well, no. I'm just trying
 24 to deal with the notion that -- somebody mentioned
 25 the site was quote-unquote "too tight". I want to

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1 show that not only do we meet or exceed ordinance
 2 standards, but these stores exist safely and
 3 efficiently in other locations with this layout,
 4 almost this exact, you know, very similar layout
 5 and that's what this is for.
 6 **CHAIRMAN MERCES:** I can appreciate that.
 7 Just tighten it up.
 8 **MR. GORMAN:** In order to ask this
 9 witness questions about these things he has to show
 10 some knowledge of these other sites. He's
 11 mentioned a whole bunch of sites. Did you look at
 12 those? Did you design them or you just looked it
 13 up on the internet?
 14 **MR. SHARO:** Three of them I designed.
 15 **MR. GORMAN:** Out of -- okay.
 16 **MR. SHARO:** Or my office did, which is
 17 the same.
 18 **MR. NEHMAD:** And those sites you're
 19 familiar with?
 20 **MR. SHARO:** Yes.
 21 **MR. NEHMAD:** And you designed them.
 22 Some of them you reviewed, correct?
 23 **MR. SHARO:** Yes.
 24 **MR. NEHMAD:** There's one approved in
 25 West Windsor which has a Wawa with a hotel?

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1 **MR. SHARO:** That's correct.
 2 **MR. NEHMAD:** Hasn't been built yet but
 3 it's fully approved?
 4 **MR. SHARO:** Fully approved.
 5 **MR. NEHMAD:** There's one in Piscataway,
 6 similar, Wawa with a hotel tied in the back?
 7 **MR. SHARO:** Correct.
 8 **MR. NEHMAD:** Approved but not yet built?
 9 **MR. SHARO:** From my office, yes.
 10 **MR. NEHMAD:** And your office worked on
 11 that?
 12 **MR. SHARO:** Yes.
 13 **MR. NEHMAD:** Are you familiar with the
 14 operational characteristics? One of the questions
 15 we were asked is how many employees are in a
 16 typical Wawa store.
 17 **MR. SHARO:** So it's 40 to 50 employees,
 18 12 is per max shift and there's three shifts, so
 19 it's 40 to 50 new employees per store.
 20 **MR. NEHMAD:** And the loading area that's
 21 on this plan is a similar loading area employed at
 22 other and existing Wawas?
 23 **MR. SHARO:** That's correct. Yes.
 24 **MR. NEHMAD:** Do they operate safely and
 25 efficiently?

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1 **MR. SHARO:** Yes.
 2 **MR. NEHMAD:** Now, the light heights here
 3 are how tall?
 4 **MR. SHARO:** It's 10 feet and above the
 5 adjacent building and 35 parking --
 6 (unintelligible).
 7 **MR. NEHMAD:** It's 20 feet we're
 8 proposing, correct?
 9 **MR. SHARO:** We're proposing 20 feet
 10 here, so --
 11 **MR. NEHMAD:** So the light standards
 12 could be higher but we made a conscious decision to
 13 bring them lower, correct?
 14 **MR. SHARO:** Yup.
 15 **MR. NEHMAD:** And the lighting for Wawa,
 16 how would you describe it? It meets the ordinance
 17 requirement?
 18 **MR. SHARO:** Yes. It meets the ordinance
 19 requirements. LED lighting, super high efficient.
 20 **MR. NEHMAD:** And it's designed to be non
 21 glare and not to cast light off of -- on to
 22 adjacent properties, correct?
 23 **MR. SHARO:** That's correct.
 24 **MR. NEHMAD:** And does this site plan
 25 meet all Wawa's internal operation standards for

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1 review and approval of safe and efficient design?
2 **MR. SHARO:** Yes, it does.
3 **MR. NEHMAD:** Nothing further, Mr. Chair.
4 **CHAIRMAN MERCES:** Anybody have any
5 questions?
6 **MR. FAY:** I have some questions.
7 **CHAIRMAN MERCES:** Hold on. Not public
8 questions yet. We'll get there. We might be there
9 real quick.
10 Any questions from the board?
11 (Multiple parties speaking.)
12 **CHAIRMAN MERCES:** Mr. Fay, I knew you
13 had questions.
14 **MR. FAY:** So you work for Wawa?
15 **MR. SHARO:** No.
16 **MR. FAY:** Okay. So you're really not
17 sure what you -- you know how many employee they
18 have?
19 **MR. SHARO:** They have in total?
20 **MR. FAY:** No. I'm saying, like, do you
21 know how many employees at each store?
22 **MR. SHARO:** It's about 40, 50 new
23 employees. Depends how many part-time, how many
24 full-time they have.
25 **MR. FAY:** I'm just trying to find out

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1 what role you play here. So you design Wawa or
2 Wawa safely designs --
3 **MR. SHARO:** We, we, we manage projects
4 for Wawa.
5 **MR. FAY:** So if Wawa has, like, five or
6 six stores of a certain size, you try to fit them
7 on the lot?
8 **MR. SHARO:** I don't know the --
9 **MR. FAY:** Do you fit the Wawa on the
10 lot? What do you look at when you're designing a
11 Wawa?
12 **MR. SHARO:** We're actually given, we're
13 given the concept from the developer such as the
14 applicant here tonight and we look at it from a
15 perspective of does it meet Wawa standards.
16 **MR. FAY:** No. My question was, do you
17 fit Wawa to the lot size? For example, this lot
18 has a certain size, right?
19 **MR. SHARO:** Yes.
20 **MR. FAY:** Do you give it an A, B, C or
21 D, Wawa, or do you give it, like --
22 **MR. SHARO:** Wawa has standards and we,
23 we put the concept together on the lot.
24 **MR. FAY:** My question is, do you fit the
25 Wawa to the lot or do you just, do you customize

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1 it?
2 **CHAIRMAN MERCES:** Mr. Fay, you can't ask
3 the same question.
4 (Multiple parties speaking.)
5 **MR. FAY:** It's a safe Wawa because it
6 matches other Wawas so I'm just trying to figure
7 out, are they all similar in size? Are they all
8 doing the same --
9 **MR. SHARO:** Yeah. As a figure eight
10 question, yes, it's a common thing between all 750.
11 **MR. FAY:** Is it a common concern?
12 **MR. SHARO:** No.
13 **MR. FAY:** Any accidents?
14 **MR. SHARO:** Not that I know of.
15 **MR. FAY:** You don't know of any
16 accidents in all of how many stores?
17 **MR. SHARO:** There's 730.
18 **MR. FAY:** Are you able to answer that
19 question? Do you not know the answer or are you --
20 **MR. SHARO:** Not that I know of, I said
21 that.
22 **MR. FAY:** So how many stores do you know
23 of?
24 **CHAIRMAN MERCES:** Mr. Fay --
25 (Multiple parties speaking.)

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1 **MR. GORMAN:** Yes, he can.
2 **CHAIRMAN MERCES:** Can he?
3 **MR. GORMAN:** Yes. That's the whole
4 point.
5 **CHAIRMAN MERCES:** I'm not saying he
6 can't ask the question but let him answer.
7 **MR. GORMAN:** You have to -- you're so --
8 **MR. FAY:** I'm not a professional. I
9 apologize.
10 **MR. GORMAN:** But you're --
11 (Multiple parties speaking.)
12 **MR. GORMAN:** We're going to do this like
13 you end, he starts, you end, he starts. You're
14 interrupting his questions.
15 **MR. FAY:** I understand. Just like
16 school. Go ahead.
17 Do you want the question again? I'll do
18 it again. So my concern is, as I mentioned before,
19 just part of the question, is that this Wawa might
20 be dangerous because of the figure eight that the
21 trucks will have to do. Is that -- was that a
22 concern in some other properties?
23 **MR. SHARO:** It's a common movement
24 around the site.
25 **MR. FAY:** Okay.

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1 **MR. SHARO:** It's common for the tractor
 2 trailer or the tanker truck.
 3 **MR. FAY:** So when there's a delivery in
 4 the back of the building and there's those
 5 hash-marks, the delivery trucks could sit here and
 6 this -- will there be a time when there's more than
 7 one delivery truck?
 8 **MR. SHARO:** No.
 9 **MR. FAY:** One delivery truck at a time.
 10 How does gas get ordered? Is there a
 11 Wawa driver?
 12 **MR. SHARO:** So it's not -- I'll go back
 13 a little bit. Yes, it is on demand.
 14 **MR. FAY:** So if it's on demand -- if
 15 it's not on demand --
 16 **MR. NEHMAD:** Excuse me, Mr. Chair, I
 17 would just simply --
 18 **MR. FAY:** I'm sorry I'm upsetting you.
 19 **MR. NEHMAD:** The witness needs to answer
 20 the question.
 21 (Multiple parties speaking.)
 22 **CHAIRMAN MERCES:** Give him a little
 23 leeway.
 24 **MR. NEHMAD:** A little leeway but he's
 25 not allowing the witness to answer the question so

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1 we can have a record here.
 2 **MR. GORMAN:** The witness --
 3 (Multiple parties speaking.)
 4 **MR. FAY:** Question of this person, it
 5 was boring, so now you have to sit through my
 6 thing. I'm sorry.
 7 **CHAIRMAN MERCES:** Come on, Mr. Fay.
 8 **MR. FAY:** I apologize.
 9 **MR. GORMAN:** One at a time. Pause, take
 10 a deep breath.
 11 **MR. SHARO:** What was the question?
 12 **MR. FAY:** The question was how many
 13 deliveries do you get a day?
 14 **MR. SHARO:** Of?
 15 **MR. FAY:** Fuel.
 16 **MR. SHARO:** Fuel?
 17 **MR. FAY:** For the site.
 18 **MR. SHARO:** It's typically one per day
 19 or per use.
 20 **MR. FAY:** If you have 2,300 cars, it
 21 doesn't matter, and you have 10 gallons per car,
 22 23,000 gallons, right?
 23 **MR. SHARO:** I don't know. I don't know
 24 how many cars are getting gas so --
 25 **MR. FAY:** Okay. If they were -- how

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1 many gallons does a truck hold?
 2 **MR. SHARO:** About 9,000.
 3 **MR. FAY:** So 9,000. So if you have
 4 23,000, let's say half of that, so one truck a day?
 5 **MR. SHARO:** One truck a day.
 6 **MR. FAY:** Okay.
 7 **MR. SHARO:** We'll leave it at one truck
 8 a day.
 9 **MR. FAY:** Let me go back to this
 10 question. If you have more than one vehicle back
 11 here, can they still make it around?
 12 **MR. SHARO:** Yes.
 13 **MR. FAY:** How do they do it?
 14 **MR. SHARO:** As shown on the truck -- the
 15 turning that you provided, the one truck can fit
 16 there while another truck circulates.
 17 **MR. FAY:** I don't see how there could be
 18 because that -- first of all, that --
 19 (unintelligible). They still have to navigate
 20 around. Okay, maybe they do.
 21 Again, the question with crossing this
 22 area here, is that prohibited or is that just part
 23 of the --
 24 **MR. SHARO:** That is one of the reasons
 25 why those areas are striped, because we -- it's

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1 common to turn around just like along the, one of
 2 the exhibits, they cut the corner of the canopy.
 3 The canopy is put up at a certain height so that
 4 can happen.
 5 **MR. FAY:** The area that's marked, is
 6 that -- would you mark that ground so people
 7 would -- so cars would go in there?
 8 **MR. SHARO:** Yeah. That's why it is
 9 striped.
 10 **MR. FAY:** So trucks are allowed to go in
 11 there?
 12 **MR. SHARO:** Cars can actually cut
 13 through it, too.
 14 **MR. FAY:** But in your plan, your plan is
 15 to have the truck cut the corner?
 16 **MR. SHARO:** That's correct.
 17 **MR. FAY:** No more questions.
 18 **MR. GORMAN:** Did you review this site
 19 plan?
 20 **MR. SHARO:** Yes.
 21 **MR. GORMAN:** Did you review the first
 22 site plan?
 23 **MR. SHARO:** Yes.
 24 **BOARD MEMBER:** Can I ask a question,
 25 procedure question? When Mr. Fay or somebody else

<p style="text-align: right;">150</p> <p>1 was asking questions earlier, do we get to question 2 them on their testimony? 3 MR. GORMAN: Yes, as could Mr. Nehmad or 4 anybody else here. 5 BOARD MEMBER: All right. Just want to 6 be sure of the rules. 7 A question for you, sir, you testified 8 you're familiar not just with the site plan and 9 engineering, I guess you're familiar with Wawa 10 operations, right, and how they basically operate? 11 MR. SHARO: That's correct. 12 BOARD MEMBER: I know you were asked 13 about, are you familiar with any accidents, but to 14 state the question more specifically, are you aware 15 of any accidents involving these delivery trucks? 16 That seems to be the concern for the residents. 17 MR. SHARO: I am not aware. 18 BOARD MEMBER: Are you aware -- so it 19 would probably be on the news, you'd probably know 20 about it, right, but I'm assuming that you would 21 know, hopefully it doesn't happen very often. Are 22 you aware if Wawa has procedures in place in the 23 event of such a thing happening? 24 MR. SHARO: They do. They have 25 procedures for everything. So one of the things</p>	<p style="text-align: right;">152</p> <p>1 MR. SHARO: No. 2 BOARD MEMBER: There could be a fuel 3 spill with gas on the ground and I could just pull 4 up? 5 MR. SHARO: Like, they cone it off. 6 Like, they cone it off, and again -- 7 (unintelligible). There's options to get around 8 that area. 9 BOARD MEMBER: That would become a level 10 above that. The fire department would show up and 11 say to them, you're shutting down the fueling 12 system and they have no say whatsoever. 13 MR. NEHMAD: There's additional thing 14 Wawa employs and that is each tank, as is required 15 by federal laws, there's a -- (unintelligible) -- a 16 dry solution, but if there's a leak in a tank, 17 okay, tell them how that's monitored. 18 MR. SHARO: Yeah. So just real quick, 19 from the monitoring standpoint from the system 20 itself, the fueling system itself, it's monitored 21 from the moment it leaves the fueling tanker to the 22 moment it gets into your car. It literally -- 23 (unintelligible) -- monitoring, double wall tanks, 24 double wall piping, insulated piping, so if the 25 double wall, meaning there's a gap in between two</p>
<p style="text-align: right;">151</p> <p>1 they do set up when a store opens up, they do set 2 up the truck pass. They do make sure that the 3 attendants know where the trucks should be going so 4 that if they do veer off, they get back on track. 5 There is a whole system put in place for pretty 6 much everything. 7 BOARD MEMBER: Are you aware of what 8 happens, right, if the worst case scenario, like a 9 tanker truck pulls into that lot and crashes, 10 spills fuel, hits a car, hits a pedestrian? What 11 happens? 12 MR. SHARO: There's all -- so for fuel, 13 the fuel spill, there's all sorts of protocols in 14 place. 15 MR. NEHMAD: Explain it. 16 MR. SHARO: Yeah. Sure. So for a small 17 spill they have kits on site that will clean up the 18 spill. For anything that New Jersey -- for 19 anything above 100 gallons, they have numbers that 20 they call, people are immediately there. There is 21 protocols for that type of thing. 22 BOARD MEMBER: In the event of such an 23 accident, where there's spills, large or small, 24 does that interrupt the operations of either the 25 fueling stations or of the store itself?</p>	<p style="text-align: right;">153</p> <p>1 walls and there's pressure monitoring and so if 2 there's a tear or something happens where there's a 3 leak, it's monitored, it's noted, the alarms go off 4 not only in the store but at headquarters, so 5 everybody's aware. 6 MR. NEHMAD: That's key, so not only at 7 the store but in Wawa Central Offices. It's double 8 walled in a -- (unintelligible) -- solution so that 9 if it's breached, that we know that, and it's 10 happened both on site and the main office. 11 BOARD MEMBER: I think his question, and 12 I'm not gonna answer, but really was on site spill, 13 not -- 14 MR. NEHMAD: Well, we do both. 15 BOARD MEMBER: I do appreciate that. I 16 was going to ask the questions later. This is more 17 in regards to questions about the actual movements 18 of the truck. Thank you for providing that 19 context. I'm trying to interpret the answer that 20 they gave and -- by the way, I'm not an engineer so 21 that's why I'm asking from the standpoint of 22 business. I'm trying to get at, is it -- does it 23 behoove Wawa, the business, to make sure that these 24 accidents don't happen and they have already 25 considered this, or is there any structure you're</p>

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1 aware of, they kind of don't care because they can
 2 keep operating, you know, there's a fuel spill,
 3 they're not going to lose money, they can keep
 4 going and the department would show up, is there
 5 incentive not to have these --
 6 **MR. SHARO:** Yeah. They don't want
 7 accidents on their site. That's why they have
 8 oversized drive aisles, oversized parking. That's
 9 why they have the pin striping at the corners.
 10 That's why they have what they have in place, the
 11 figure eight configurations. That's why they have
 12 the access points they have. They don't want that
 13 to happen.
 14 **MR. NEHMAD:** If any of these site
 15 attributes were causing problems at any of their
 16 other locations in this state, would you and your
 17 office know about it?
 18 **MR. SHARO:** Yes.
 19 **BOARD MEMBER:** Okay. That helps my
 20 question.
 21 **MR. SHARO:** Yes, we would. We're
 22 unfortunately the ones that get informed.
 23 **MR. FAY:** Two questions. The drivers
 24 are not -- are they Wawa employees?
 25 **MR. SHARO:** No, they are not, but Wawa

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1 controls the company that employs those drivers.
 2 **MR. FAY:** So are they -- do they have,
 3 like, Wawa license? Do they have Wawa safety to go
 4 through?
 5 **MR. SHARO:** No, but they go through --
 6 **MR. FAY:** No more questions.
 7 **MR. SHARO:** I'll answer that they have
 8 their own qualifications and information they need
 9 to deliver, so --
 10 **CHAIRMAN MERCES:** Fair enough.
 11 Anybody else in the public?
 12 Yes, sir.
 13 **MR. CASEY:** How many cups of coffee did
 14 he have today?
 15 **CHAIRMAN MERCES:** As many as he has had
 16 every meeting.
 17 **MR. CASEY:** My name's Patrick Casey. I
 18 live at --
 19 **MR. GORMAN:** I'm sorry. Last name,
 20 spell it.
 21 **MR. CASEY:** C-A-S-E-Y.
 22 **MR. GORMAN:** Thank you.
 23 **MR. CASEY:** My question is regarding the
 24 lighting. Did you --
 25 (Multiple parties speaking.)

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1 **MR. GORMAN:** Just in case you lapse over
 2 into testimony, please raise your right hand.
 3 **PATRICK CASEY,** having been duly sworn, testified as
 4 follows:
 5 **CHAIRMAN MERCES:** Recognizing this is
 6 for questions.
 7 **MR. CASEY:** For questions. Thank you.
 8 Who designs the lights that go --
 9 (unintelligible)?
 10 **MR. SHARO:** This would be the engineer's
 11 office.
 12 **CHAIRMAN MERCES:** Mr. Casey, we have to
 13 pick you up on the microphone for the record so if
 14 you --
 15 **MR. CASEY:** From my understanding, most
 16 Wawas use the same lighting, aside from the wall
 17 sconce.
 18 **MR. SHARO:** That is correct.
 19 **MR. CASEY:** They're all pre light.
 20 **MR. SHARO:** They are pre light fixtures,
 21 area lights.
 22 **MR. CASEY:** My question -- I was driving
 23 down past the Wawa south of the mall. Okay.
 24 There's a Quick Chek right across the street. Why
 25 is Wawa so bright?

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1 **MR. SHARO:** It's a function of safety.
 2 **MR. NEHMAD:** Well, I mean, Mr. Chairman,
 3 we're meeting your ordinance requirements in this
 4 case.
 5 **MR. CASEY:** It's part of the plans.
 6 **MR. GORMAN:** You're not getting picked
 7 up, either, so --
 8 **MR. CASEY:** I already submitted the
 9 drawing plans.
 10 **CHAIRMAN MERCES:** Do you want to mark
 11 this?
 12 **MR. GORMAN:** Is this part of their
 13 submitted plans?
 14 **MR. CASEY:** Yes, it is.
 15 **MR. GORMAN:** Can you just refer, tell us
 16 what page this is on?
 17 **MR. CASEY:** This is on page 8 of 15.
 18 **MR. SHARO:** What's the question again?
 19 **MR. CASEY:** Why are they so bright?
 20 He's saying it's a safety issue, the answer. Okay.
 21 This here, here, this is just underneath the canopy
 22 alone. I'm not saying anything else isn't bright,
 23 but next to each dot represents how many foot
 24 candles, okay, which measures how bright it is.
 25 Okay. Now, I'm in the lighting industry. Okay.

1 I've been in the lighting industry since 1987. I
 2 know a lot about lighting. The --
 3 (unintelligible) -- Engineer's Society of America
 4 dictates, suggests that lights -- okay. The fuel
 5 dispenser station underneath the canopy at page --
 6 it's a section on -- wrong page.
 7 (Multiple parties speaking.)
 8 **CHAIRMAN MERCES:** Sir, are we asking --
 9 **MR. CASEY:** I'm sorry.
 10 **CHAIRMAN MERCES:** Are we asking the
 11 wrong witness here?
 12 **MR. GORMAN:** What are you now looking
 13 at, sir?
 14 **MR. CASEY:** This is the Engineering
 15 Society of America's recommended lighting levels.
 16 **MR. NEHMAD:** I'm sorry. I didn't hear.
 17 **MR. CASEY:** IES, Engineering Society,
 18 okay, the gold standard sets lighting, recommended
 19 lighting levels throughout the country and other
 20 countries are starting to adhere to it.
 21 **MR. NEHMAD:** I'm not sure what relevance
 22 this has. We comply with the ordinance.
 23 **CHAIRMAN MERCES:** Mr. Casey, I think
 24 we're kind of getting away from questions and
 25 getting into --

1 **MR. CASEY:** Okay. My question, why is
 2 it so bright? According to the Engineering Society
 3 of America, under fuel dispensing canopies they
 4 have three levels of lighting. Okay. The first
 5 level is five foot candles. The second level is 10
 6 foot candles. Busy applications it's recommended
 7 20 foot candles, no more than 20 foot candles. If
 8 you look at what Wawa is suggesting, these are --
 9 (unintelligible) -- candles, which is
 10 two-and-a-half times. Why are they so bright?
 11 **MR. GORMAN:** That's the question.
 12 **MR. SHARO:** Safety. You have cars
 13 driving under there. You have transfer lighting
 14 there. It's, it's standard throughout all of the
 15 Wawa --
 16 **MR. CASEY:** Only Wawa?
 17 **MR. SHARO:** And others that --
 18 **MR. CASEY:** I have a foot candle here.
 19 I drove around tonight. Okay. I made video
 20 recordings. Shop Rite's parking lot has a 6 foot
 21 candle. Okay. The new Costco is 19.
 22 **MR. NEHMAD:** This is testimony.
 23 (Multiple parties speaking.)
 24 **CHAIRMAN MERCES:** I gotcha.
 25 **MR. CASEY:** Okay. We want this to look

1 nicely lit. Why is it three times as bright as all
 2 the other gas stations?
 3 **CHAIRMAN MERCES:** He answered the
 4 question. He did answer the question. For safety
 5 and efficiency.
 6 **MR. NEHMAD:** The answer is what does he
 7 mean by -- (unintelligible). That's the answer to
 8 the question he had. The ordinance has a standard
 9 for lighting and Jim Kennedy's office designed it
 10 with the standard so I think he's saying questions
 11 about lighting, he should ask the office of the
 12 Planning Department.
 13 Mr. Casey, do you live nearby?
 14 **MR. CASEY:** Yes. (Unintelligible).
 15 **CHAIRMAN MERCES:** Are you by the brook
 16 or are you The Trail?
 17 **MR. CASEY:** I'm on The Trail.
 18 **MR. NEHMAD:** If there's a question Jim
 19 can answer.
 20 **MR. CASEY:** Why suggest a 20 foot
 21 candle?
 22 **MR. GORMAN:** You have to be a little
 23 closer to the Mike.
 24 **MR. CASEY:** If the light level for the
 25 entire country recommends 20 foot candles, why is

1 this under the canopy between 40 and 50 foot
 2 candles?
 3 **MR. GORMAN:** First of all, let's
 4 establish -- ask Mr. Kennedy, what's the lighting
 5 level under the canopy?
 6 **CHAIRMAN MERCES:** I can't read it.
 7 **MR. KENNEDY:** Canopy averages 34.74 for
 8 the max of 57 and another one was 14, average is
 9 2.48 -- (unintelligible) -- 4.27.
 10 **MR. CASEY:** The lowest is 14. An
 11 example, I took a lighting -- (unintelligible).
 12 **MR. KENNEDY:** So I don't know if what
 13 you have is calibrated. I don't know what you're
 14 measuring, if it's color corrected, and that
 15 doesn't really go to this because there is lighting
 16 levels, as you know, the lighting loss factor. We
 17 measure existing lights, you have to consider the
 18 lighting loss factor and that is the age of the
 19 light that you're measuring.
 20 **MR. CASEY:** I went to the Wawa tonight.
 21 **MR. KENNEDY:** Which one?
 22 **MR. CASEY:** How long has that been
 23 there?
 24 **MR. KENNEDY:** Since 2018.
 25 **MR. NEHMAD:** 2008.

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1 **MR. KENNEDY:** 2008?
2 **MR. NEHMAD:** I think --
3 (Multiple parties speaking.)
4 **MR. CASEY:** 59 foot candles.
5 **MR. KENNEDY:** Was that the maximum
6 or average?
7 **MR. CASEY:** 20 is the maximum, worst
8 case scenario.
9 **MR. KENNEDY:** No. When you took your
10 measurements, was that the maximum or --
11 **MR. CASEY:** 59 was maximum.
12 **MR. KENNEDY:** I recognize the ISA, the
13 Illuminated Engineers Society of America as a
14 prominent issuer of guidance for lighting, but
15 there are other standards. One is your municipal
16 ordinance. The second is OSHA. When you have a
17 walking, working surface in an area where you have
18 motor vehicles, where people can pass, as was
19 testified to, actually, exchanging money and
20 maneuvering around gas filling canopies, and New
21 Jersey's different because we actually have
22 employees under the canopies. The ISA doesn't
23 recognize state uniqueness and New Jersey is unique
24 because we have employees that actually put fuel
25 into the cars, so there could be a reason to have

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1 higher levels and those levels do go to safety and
2 security. The ISA is not the end-all be-all. In
3 fact, they promulgate target illuminance. Target
4 illuminance is something different than what your
5 ordinance specifies. These calculations are not
6 done to target candles, which is the value of the
7 ISA. They are calculated illuminance points based
8 upon the type of fixture, so it's not apples to
9 oranges, it's not completely apples to orange, but
10 it's, you know, pears to different colored pears,
11 so I take exception to saying that it's overly
12 bright because that's subjective. What we have to
13 do is design to standards. The standards are made
14 by the municipality and we are meeting those
15 standards. I testified last time that in order to
16 meet the standards of an average to minimum, we
17 actually have to increase the lights. However,
18 there's another way to do it and that is to look at
19 the canopy illuminance, and you can do this, in
20 order to meet the one design standard for lighting
21 that -- (unintelligible) -- pointed out, it was a
22 maximum to average, I guess, and we agreed to meet
23 that standard. In so doing I do believe the canopy
24 lights will get slightly less bright. They'll
25 still meet the standards. They'll still meet the

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1 standards of the ordinance, of OSHA, and they will
2 get closer to the minimum values to maintain target
3 illuminance.
4 **MR. CASEY:** I ask the jury to look into
5 this a little deeper. I worked on the
6 Middletown -- (unintelligible). You guys have the
7 experience with lighting levels. Okay. I've been
8 doing this portion for 13 years. Drive around and
9 look at gas stations, you will see how bright this
10 is, or hopefully with -- (unintelligible).
11 **CHAIRMAN MERCES:** In this case, after
12 all the testimony is done, we'll have an open mike
13 for public comment. You're more than welcome to
14 come up again, give all your expertise, share your
15 opinions.
16 **MR. CASEY:** Thank you.
17 **CHAIRMAN MERCES:** Thank you.
18 Any other questions of this witness or
19 this testimony? Mr. Dunn, do you have any more?
20 (Multiple parties speaking.)
21 **MR. GORMAN:** Do you have questions of
22 Mr. Kennedy based upon what he was just testifying
23 about?
24 **MR. DUNN:** Correct.
25 **CHAIRMAN MERCES:** Are those your public

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1 comment photos? Do you want to --
2 **MR. DUNN:** They turned into a question
3 now, since we focused on questions regarding
4 brightness.
5 **MR. KENNEDY:** Is it a question?
6 **MR. DUNN:** I have two more artifacts to
7 submit. One is --
8 **MR. GORMAN:** We have to mark them when
9 you're done.
10 **MR. DUNN:** The first one is myself
11 walking out of the back of my house to the edge,
12 the dark edge of my property, outside taking a
13 picture, didn't zoom in, just standard picture and
14 here is the current brightness level, and if you
15 look closely, here is the Two River Bank and a
16 little bit off the right is Wawa.
17 **MR. GORMAN:** What time of year did you
18 take this picture?
19 **MR. DUNN:** What's that?
20 **MR. GORMAN:** When did you take this
21 picture?
22 **MR. DUNN:** It was probably, what, 7:00
23 or 8:00.
24 **CHAIRMAN MERCES:** Tonight?
25 **MR. DUNN:** Couple days ago, sir.

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1 **CHAIRMAN MERCES:** Couple days, okay.
 2 **MR. DUNN:** Couple days ago.
 3 So my question is specific to the
 4 brightness level and you guys exceeding
 5 expectations. Will I see brightness from my
 6 backyard? Will it be a light show?
 7 **MR. KENNEDY:** Can I see that, please?
 8 **CHAIRMAN MERCES:** What's your house
 9 number?
 10 **MR. DUNN:** That's my question.
 11 **MR. NEHMAD:** I'm not sure of the
 12 relevance of the question.
 13 (Multiple parties speaking.)
 14 **MR. NEHMAD:** -- to make it so that
 15 nobody is ever going to see light.
 16 **CHAIRMAN MERCES:** I don't think that's
 17 how --
 18 **MR. NEHMAD:** The obligation is to meet
 19 your ordinance requirement in that regard.
 20 **CHAIRMAN MERCES:** What is your house
 21 number, Mr. Dunn?
 22 **MR. DUNN:** Five The Trail, sir.
 23 **CHAIRMAN MERCES:** So you're down towards
 24 35?
 25 **MR. DUNN:** Third house up.

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1 **BOARD MEMBER:** Third house up from 35.
 2 **CHAIRMAN MERCES:** From 35 he's the third
 3 house up, okay.
 4 **MR. KENNEDY:** So this is Chase.
 5 **MR. DUNN:** Little bit to the right, that
 6 would be CVS, where you're pointing.
 7 **MR. KENNEDY:** CVS and Chase, that's the
 8 illuminance that you see, right?
 9 **MR. DUNN:** Correct.
 10 **MR. KENNEDY:** So in this view you
 11 wouldn't actually see the brightest portion of the
 12 site, which is under the canopy, right, because you
 13 have to look through the office building to see it.
 14 **MR. DUNN:** Well, the office building is
 15 a little bit off to the left. It's left center of
 16 my property.
 17 **MR. RATHJEN:** Won't the canopy -- won't
 18 the bank building block your view of the canopy?
 19 **MR. DUNN:** I have views well off to the
 20 right of the bank, between Chase and the bank I
 21 have a fair view.
 22 **MR. KENNEDY:** That's sort of where the
 23 Wawa would be on the site.
 24 **MR. DUNN:** Correct.
 25 **MR. KENNEDY:** So I'm correct, you are

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1 basically, I'm estimating, about where it says
 2 proposed Block 802. You're looking about where my
 3 pen is?
 4 **MR. DUNN:** You got it.
 5 **MR. KENNEDY:** Is that not correct?
 6 **MR. DUNN:** Yes.
 7 **MR. KENNEDY:** So what we're seeing is
 8 the Chase development in that front and you see a
 9 little bit illumination for safety, that's still on
 10 around the bank.
 11 **MR. DUNN:** Correct.
 12 **MR. KENNEDY:** So in that view --
 13 **MR. DUNN:** And the view is already ugly
 14 so it's probably gonna get uglier.
 15 **MR. KENNEDY:** Well, I'm just referencing
 16 light. So the lighting under the canopy would be
 17 blocked by the office. The lighting beyond, to the
 18 right of the office building in the exhibit where
 19 you said you have a view of would actually be
 20 blocked by the building. I'm not trying to say
 21 that we're making it invisible. You will see it if
 22 you look out your window. You will see the ground
 23 lit up, but the performance standards that the
 24 ordinance provides, it's glare free, that we're not
 25 shining lights on you and if you look at the

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1 photograph, I'm sorry, the design plan for
 2 lighting, there's limitations of spillage and we're
 3 not allowed to allow light to shine over on to --
 4 (unintelligible) -- and we had to carry -- we
 5 submitted one plan and it didn't have enough data
 6 for -- (unintelligible) -- pass the property line
 7 to ensure that there's no spillage. The whole
 8 testimony that I gave was with regard to cut off of
 9 the fixtures, that we were not focusing on that
 10 side because that -- (unintelligible) --
 11 spotlights, they're not permitted by your ordinance
 12 because of that, so it's nuisance glare that we're
 13 trying to eliminate because nuisance glare causes
 14 complaints. We have 90 degree fixtures that are
 15 forward -- (unintelligible). I'm not saying that
 16 you're not going to see them but it's not going to
 17 be nuisance glare that is shining into your eyes
 18 from seeing the light fixture itself.
 19 **MR. DUNN:** If I can see well into the
 20 distance, why won't -- why will this be so subtle
 21 and peaceful when I can go look in the distance as
 22 bright as it is? Why wouldn't it be more brighter?
 23 **MR. KENNEDY:** I'm not saying it's
 24 subtle. I'm not saying you're gonna like it. I'm
 25 not saying that at all. I'm saying we're meeting

<p style="text-align: right;">170</p> <p>1 the design standards that we're providing. You're 2 going to have a filtered view because you're 3 getting the benefit of the deed restricted 4 property. 5 MR. DUNN: There's no benefit. That's 6 why I'm here. Use a different term. 7 (Multiple parties speaking.) 8 MR. KENNEDY: It meets the ordinance 9 standards, the ordinance standards and the 10 performance standards and we've agreed to meet the 11 average ratio that's provided instead of seeking a 12 design waiver that will effectively decrease the 13 canopy lights that are provided from a safety 14 design. 15 MR. DUNN: Thank you. Can I submit 16 these now? 17 MR. GORMAN: Yes. 18 BOARD MEMBER: I have a question. 19 Should I ask it now or should I wait? 20 CHAIRMAN MERCES: Go for it. 21 BOARD MEMBER: So there's been a lot of 22 concern in terms of looking through the trees and 23 seeing the lights, you know, the glare. Would Wawa 24 consider at the top of the hill or at some point, 25 you know, obviously at the bottom of the hill, as</p>	<p style="text-align: right;">172</p> <p>1 correct species because it's in a shaded 2 environment. This is, as Mr. Rathjen stated, this 3 is a well-wooded, 300 year old woods, so it's not 4 going to grow -- (unintelligible). We asked for 5 the landscape architect to look at it and -- 6 (unintelligible) -- to say we will definitely 7 consider providing that additional landscaping not 8 down at our level but up on the hill where the 9 retaining wall is. So there's a retaining wall 10 that I testified to that runs along here. When I 11 say along here, I'm talking about the bottom of the 12 exhibit. I'm looking at A-2. This retaining wall 13 is not down on the floor. It's, you know, 8 to 14 10 feet higher. We plant a screening, screening 15 material on the top of that wall, I think that 16 would be the best alternative. 17 BOARD MEMBER: Thank you for that. I'll 18 address here where something would be planted and 19 what's maximized, you know, to benefit the 20 residents. I would suggest to the board if the 21 board was considering this, approving this, it 22 would be a benefit for the board to make -- 23 (unintelligible) -- to have trees to whatever makes 24 sense to line that. 25 MR. KENNEDY: We would be happy to work</p>
<p style="text-align: right;">171</p> <p>1 well, consider lining that with arborvitae that 2 would grow quite tall one day so they would never 3 see actually the lighting for that property? 4 MR. NEHMAD: The answer is yes. 5 MR. KENNEDY: No. 6 MR. NEHMAD: Go ahead. I'm sorry. 7 MR. KENNEDY: So just between the bottom 8 and the top, better functionality would actually be 9 the bottom, because that's closer to the 10 illuminating, the source of illumination. 11 BOARD MEMBER: So if these were lower 12 than we said that the hill was, I don't know, 30, 13 40 feet tall, if you have a 40 foot arborvitae -- 14 (unintelligible). I'm trying to just -- 15 (unintelligible) -- so residents looking out didn't 16 see spill lights. 17 MR. KENNEDY: So we're not -- when we 18 looked at this exact thing, what could we do 19 proactively to increase the filtered view for the 20 residents, so not only do we have that -- 21 (unintelligible) -- what could we do, and planting 22 at the top had less of an effect than at the 23 bottom, because at the bottom puts us closer to the 24 light source and we can actually screen the back of 25 the fixtures. The arborvitae might not be the</p>	<p style="text-align: right;">173</p> <p>1 with the landscape architect to develop that plan. 2 As you know, we've -- (unintelligible) -- a list 3 where the applicant puts together a plant list and 4 guarantees those plantings and after it's under 5 construction, if I can see that -- let's plant 6 something here. Sometimes it's just better done 7 after construction. Sometimes it just works 8 better. In this case we'd be happy to put a 9 planting plan together or put a plant list together 10 if we're directed to. 11 CHAIRMAN MERCES: -- 10 feet height? 12 MR. KENNEDY: It varies, but 8 to 13 10 feet. 14 BOARD MEMBER: Does that create a safety 15 issue? 16 MR. KENNEDY: No, because we have, we 17 have to have fall protection, anyway. There's a 18 fall protection fence and then this would be -- we 19 can't have the plants too close to the wall because 20 the roots, so it's actually set back 5 or 6 feet. 21 It doesn't increase the limit of disturbance. I 22 think it's the right way to screen this. 23 MR. NEHMAD: You think, Jim, that would 24 provide the best method to screen from the rear of 25 the homeowners there?</p>

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1 **MR. KENNEDY:** It won't be invisible but
2 this will decrease the filtered view from the
3 homes.
4 **CHAIRMAN MERCES:** Anybody else?
5 All right, Mr. Nehmad.
6 **MR. NEHMAD:** Mr. Chairman, I have one
7 other witness but it's late and I don't know how
8 late you want to go. Just tell us when we can be
9 heard and we can announce it now.
10 (Multiple parties speaking.)
11 **MR. NEHMAD:** We'll take whatever dates
12 we can get.
13 **CHAIRMAN MERCES:** How many -- one
14 witness?
15 **MR. NEHMAD:** I'm sorry.
16 **CHAIRMAN MERCES:** One witness?
17 **MR. NEHMAD:** I have one more witness.
18 **CHAIRMAN MERCES:** January 5th.
19 **MR. NEHMAD:** January 5th my planner is
20 not available. Are you available in February?
21 **MR. GORMAN:** What's the date in
22 February?
23 **MS. URIARTE:** February 12th has not been
24 adopted.
25 **MR. GORMAN:** The first Wednesday is

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1 February 2nd. This will be carried to February
2 2nd without further publication --
3 (unintelligible). 6:30, same place.
4 **MR. NEHMAD:** This will be the notice,
5 there's no further notice required, correct?
6 **MR. GORMAN:** No further notice.
7 **MR. NEHMAD:** Thank you, Mr. Chairman,
8 and Board.
9 (Proceedings were adjourned.)
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1 CERTIFICATE
2
3 I, MICHELLE GRUENDEL, a Certified Court
4 Reporter and Notary Public of the State of New
5 Jersey, do hereby certify that the foregoing is a
6 true and accurate transcript of the testimony as
7 taken stenographically from a videotaped recording
8 to the best of my ability.
9 I DO FURTHER CERTIFY that I am neither a
10 relative nor employee nor attorney nor counsel of
11 any of the parties to this action, and that I am
12 neither a relative nor employee of such attorney or
13 counsel, and that I am not financially interested
14 in the action.
15
16
17
18
19 MICHELLE GRUENDEL, C.C.R.
20 C.C.R. License No. 30X100190500
21 Notary Public of the
22 State of New Jersey
23
24
25



Michelle Gruendel

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