

BOROUGH OF MORRIS PLAINS  
PLANNING BOARD

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|--------------------------|---|-------------|
| IN THE MATTER OF:        | : |             |
|                          | : | TRANSCRIPT  |
| PB-1-24, McDONALD'S USA, | : | OF          |
| LLC, 415 & 435 SPEEDWELL | : | PROCEEDINGS |
| AVENUE, BLOCK: 23,       | : |             |
| LOTS 4 & 5               | : | VOLUME VII  |
|                          | : |             |

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Wednesday, December 18, 2024  
Community Center  
51 Jim Fear Drive  
Morris Plains, New Jersey  
Commencing at 7:04 p.m.

BOARD MEMBERS PRESENT:

SUZANNE McCLUSKEY, Chairperson  
JASON KARR, MAYOR  
STEVE AUGENBLICK  
MICHAEL GARAVAGLIA  
JOHN BEZOLD  
FRANK DRUETZLER  
MARIANNE STECKERT  
RON KELLY  
CATHIE KELLY

ALSO PRESENT:

KAREN M. COFFEY, Secretary  
ELIZABETH LEHENY, Planner  
WILLIAM RYDEN, Engineer  
HAROLD MALTZ, Traffic Engineer

ALISON GULINO, CCR RPR  
CERTIFIED COURT REPORTER

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A P P E A R A N C E S:

ANDREW BREWER, ESQ.  
Counsel for the Board

SILLS, CUMMIS & GROSS, PC  
One Riverfront Place  
Newark, New Jersey 07102  
By: FRANK J. VITOLLO, ESQ.  
Counsel for the Applicant

I N D E X

EXHIBITS MARKED INTO EVIDENCE

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(None marked)

CHAIRPERSON McCLUSKEY: We're going to continue with the public comment at this time.

Andy, do you want to set up the rules here?

MR. BREWER: Yep.

Well, just, real briefly, the last meeting had about 2 hours and 10 minutes of public comments and I think that the Board has decided to have up to another 3 hours tonight so we're going to defer at about 3 hours from now if it's not complete and we need to make public comments and -- so if we can all do that. Everybody had very well-articulated comments and it's good to see the public's participation in that.

I would ask that the next member of the public who's here to speak can come up.

CHAIRPERSON McCLUSKEY: And 4 minutes?

MR. BREWER: 4 minutes, as it always has been, yes.

MS. REINHART: Good evening and thank you for hearing our statement.

THE COURT REPORTER: Excuse me;

excuse me?

MS. REINHART: Oh. I am so sorry.

THE COURT REPORTER: That's okay.

No. It's okay and we need name and address.

MS. REINHART: Rachel Reinhart,

R-E- I-N-H-A-R-T, 40 Styles Avenue.

R A C H E L R E I N H A R T, 40 Styles Avenue,

Morris Plains, New Jersey, first having been

duly sworn, testified as follows:

MS. REINHART: Okay. Good evening.

First and foremost, I love Morris Plains. My family and I moved here seven years ago and we have enjoyed almost every minute of it.

Since moving here, we've enjoyed seeing new businesses open and thrive; however, it was an unpleasant surprise when I learned that a two-lane McDonald's drive-thru was being considered on Speedwell Avenue across from my child's school directly in the heart of our downtown. A drive-thru of that magnitude has absolutely no business being in our downtown.

I could stand up here and give you an extensive list of reasons why approving this application would be a bad idea but, as we've

heard, there are plenty of residents and neighbors of mine who have given and will continue to give you those reasons.

I'm here tonight to directly address you, the Planning Board.

We know that the zoning was changed to accommodate a drive-thru in this zone. We also know that this site was being listed as a drive-thru before the new zoning ordinance passed. It was listed as far back as December of 2022 and the new zoning wasn't passed until October of 2023.

At an August 18th Planning Board meeting, Jill Cecere brought this up and Mr. Brewer said it was not best to talk about this property as the Board cannot consider it at this time.

Well, folks, when is the time?

I have either attended or watched online all of these Planning Board meetings. I have watched and listened to you pander to the applicant and their lawyer, witnesses and experts and shoot down, dismiss and insult the experts and lawyer for the residents of this town.

Mr. Vitolo claimed that, as residents, two of our experts had too strong of a personal interest in this application and their testimony should not be entered into the record.

Mr. Vitolo, do your experts not have a personal interest in helping you get this application approved? Are they doing this free of charge?

Mr. Brewer, you have denied the public's request to submit relevant evidence, all while allowing the applicant's lawyer to go about his business as he sees fit. Not a single member of the public was allowed to question the testimony of our experts on Monday evening.

I may not be a lawyer but I was raised by one and, last I checked, both parties have an opportunity to question both sets of witnesses and, as stated on our own website during the hearing on the application, the Board will hear testimony and review documents in support of the application, as well as from the Board's professional consultants and interested members of the public. We are the

interested members of the public, and we deserve to be heard.

You claim, Mr. Brewer, that you have broad scope to conduct the proceedings as you see fit. I disagree. It was an egregious misstep that we were unable to submit a video into evidence or to bring up other McDonald's sites that the applicant had opened the door for and, yet, when Mr. Vitolo questioned our experts and, yet again, brought up other McDonald's sites, there was absolutely no objection from you or the Planning Board.

The applicant seeks a variety of waivers or variances for this site. When asked to cite reasons for requesting these eight variances, the applicant states, in part, that, with respect to the parking and loading variances, McDonald's' request for relief is premised upon its experience with restaurants of the same size and similar in design and location so, again, the applicant may use these other restaurants as their justification but the residents cannot.

For all variance approvals, New Jersey law states that the applicant must prove



that the purposes of the Municipal Land Use Law will be advanced by the proposed deviation from the zoning ordinance and that the benefit of the deviation substantially outweigh any detriment.

I won't stop.

So what are the benefits to Morris Plains?

Do they substantially outweigh the detriments?

Are these requested variances consistent with our Master Plan?

Have you identified the detrimental effect that will ensue from the grant of the variance which is your charge, by law, as members of the Planning Board?

By not allowing all of the residents' experts to hear questions from the community, I would conclude that you have not properly identified the detriment that this application would have on our community nor do you appear to have any desire to hear evidence of such detriment.

Legally --

MR. BREWER: Ma'am --

MS. REINHART: I promise; I'm almost done.

Legally, you need to consider if the application does the following: Enhance the safety or general welfare of the municipality; provide adequate light, air, and open space; promote the establishment of appropriate population densities and concentrations; provide sufficient space in appropriate locations for a variety of residential or recreational uses in order to meet the needs of all New Jersey citizens; promote a desirable visual environment.

MR. BREWER: Ma'am, there's a lot of people here --

MS. REINHART: I understand. I will be done in 30 seconds.

I note that this application does none of them.

MR. BREWER: Okay.

CHAIRPERSON McCLUSKEY: Thank you.

MS. REINHART: I am not done.

CHAIRPERSON McCLUSKEY: Yes. You are.

MS. REINHART: They --

Can I finish my last paragraph,  
please?

CHAIRPERSON McCLUSKEY: It's not up  
to them.

MS. REINHART: No. He said it was  
up to them. If I take another 30 seconds, I  
will take away from them.

Is that fair?

Is that fair? You said they could  
when I was up there with you. Ms. Kelly heard;  
Ms. McCluskey heard.

MEMBER OF THE PUBLIC: I'm going to  
give my time.

MS. REINHART: I'll be done in a  
second.

According to the New Jersey  
Superior Court and Kauffman v. Planning Board  
decided in 1988, by definition, no C2 variances  
should be granted when merely the purposes of  
the owner will be advanced.

So, again, I ask you: What are the  
specific benefits to the community? Would  
granting these variances and approving this  
application benefit anyone other than the  
landowner and tenant and, perhaps, some other

people in the room?

There are valid legal reasons to deny this application. It is your responsibility to engage with and approve applicants who help promote a thriving downtown, who create fewer problems for traffic, fewer risks to the environment, fewer risks to pedestrian safety, school safety and noise levels, rather than considering granting variances for an applicant who, quite frankly, seems like the town in which they live.

I implore you to deny this application.

Be better. Do better. Plant better trees.

Thank you.

(Applause)

MR. BREWER: Somebody has come up to speak. Somebody has come up to speak; I'm going to guess that they're under 18 and I give my opinion that that can occur.

If this individual's parent is in -- please, just be aware that this is being videoed, their name will be on and that will be alive on the Internet forever, just to note.

I do have to ask a few questions about their ability to testify and, people up here, they can ask a few questions after you testify so are you ready to go forward?

MISS WAXMAN: Yes.

MR. BREWER: Okay.

Please state your name and spell your last name and give your address, please.

MISS WAXMAN: My name is Payton. My last name is W-A-X-M-A-N.

MEMBER OF THE PUBLIC: No. We cannot put an address of a child on the Internet.

MR. BREWER: If the parents agree, yes.

MEMBER OF THE PUBLIC: Okay. Well, let's ask the parents then, because I don't think they've been asked the question yet. I just want to protect this child.

MR. BREWER: Are you the parent?

MEMBER OF THE PUBLIC: No, I'm not. No. I'm not asking.

MR. BREWER: Are you the parent?

MS. WAXMAN: Yes.

MR. BREWER: And do you agree that

she can testify and put her name and address  
and her face...

MS. WAXMAN: Yes.

MR. BREWER: Please state your  
name.

MS. WAXMAN: Yes.

MR. BREWER: You indicated you were  
the individual's parent who's about to -- who's  
about to speak.

MEMBER OF THE PUBLIC: Can I give  
my name and address and not have her state her  
address?

MR. BREWER: Just -- just for the  
record -- for the record, just, please provide  
that address, your name and address.

MS. WAXMAN: Vanessa Waxman,  
W-A-X-M- A-N, 6 Tower Hill Road.

MR. BREWER: Thank you.

Okay. You gave that.

Now, please raise your right hand  
and, then, I'm going to ask you to tell the  
truth.

P A Y T O N    W A X M A N, first having been  
duly sworn, testified as follows:

MR. BREWER: I have to ask you a

few questions:

Do you -- do you understand what it means to tell the truth as from being able to tell something that is not the truth?

MISS WAXMAN: Yes.

MR. BREWER: What does that mean to you?

MISS WAXMAN: Um -- so, when you're telling the truth, it means that you're telling what actually happened or will happen or a fact that you know is actually true.

MR. BREWER: And do you understand that, if you speak up here, you're going to have to tell the truth and, if you don't tell the truth, you could be fined?

MISS WAXMAN: Yes.

MR. BREWER: Okay. You can now speak for four minutes.

MISS WAXMAN: My name is Payton Waxman and I am a 6th grade student at Borough School. I'm speaking here tonight to share my worries about the McDonald's drive-thrus being approved to be open at my school.

Students my age, younger and older walk to and from school. A lot of kids walk in

front of the school to get home. I'm concerned a drive-thru will cause heavier traffic and make it more unsafe and scary to cross the road.

Even though I do not live where McDonald's would like to go, I walk home from school. When I walk home from school and the crossing guards have already left for the day, I always get nervous to cross Granniss and Glenbrook, which are already busy roads. If you add the McDonald's with the drive-thru, you're just adding more traffic to the downtown Morris streets area and, possibly, even the side roads as detours and cut-throughs. This would make the road less safe not only during the school year but throughout the entire year.

Morris Plains is a walking community and kids should be able to walk around, ride their bikes and just be able to play outside without having to worry about cars and heavy traffic. Please consider the safety of us, the kids of Morris Plains, before making a final decision about letting McDonald's in front of our school.

Thank you.



(Applause)

MR. BREWER: Please state your name and spell your last name and your address.

MS. MARTIN: Cameron Martin, M-A-R-T-I-N, 8 Parker Drive, Morris Plains.

MR. BREWER: Raise your right hand. C A M E R O N M A R T I N, 8 Parker Drive, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. MARTIN: My husband, Bob, and I have lived in Morris Plains for almost 50 years. We moved here in 1975. We've raised our three daughters here and we realize that Morris Plains is not the sleepy little town that we moved into in 1975. In fact, there was no traffic light at the corner of 202 and the police would get out and direct traffic. That was Morris Plains.

I realize that progress is necessary and we've certainly had our share of development; however, I also have a disclaimer about McDonald's: I have eight grandchildren and I take them to McDonald's for an occasional treat. I take them to the one on Grand Avenue at the old Kmart Plaza, busy highway, no

houses. I take them from Florham Park to the Columbia Turnpike, again, the strip mall, no houses.

So I am not really against McDonald's, per se. I just am against where it's going to be placed. In fact, I am more of a neutral witness because my kids are gone. I don't live anywhere near McDonald's uptown but I have a vision for the town I moved into. It's not going to be the same but we do not need a McDonald's with drive-thru traffic, increased traffic, kids walking to school and Borough School, where my kids went.

So I'm going to be in a retirement home, probably, in a few years but I care about Morris Plains and I don't want a McDonald's drive-thru there. That's my opinion and I stand by it.

Thank you.

(Applause)

MR. DEMNITZ: My name is actually "Carl Peter Demnitz" but most of you know me as "Pete Demnitz."

MR. BREWER: Can you spell your last name, please?

MR. DEMNITZ: D, as in "David,"  
E-M, as in "Mary," N, as in "Nancy," I-T-Z.

MR. BREWER: Thank you.

MR. DEMNITZ: I want to be clear --

MR. BREWER: Can I get your  
address, please?

MR. DEMNITZ: 23 Academy Road.

C A R L P E T E D E M N I N T Z, 23 Academy  
Road, Morris Plains, New Jersey, first having  
been duly sworn, testified as follows:

MR. DEMNITZ: I want to be clear on  
point number one: I do not want to be here. I  
have been asked over the years, ever since I  
moved to Academy Road, to appear before the  
Council about the train, the flight path of the  
helicopter, and I knew what I was getting into  
when I moved to 23 Academy Road.

I took my marked unit from  
Morristown Police and I sat at Academy and  
Canfield. I looked down the street, said,  
Police Department, free space. I looked up the  
street, saw a cul-de-sac. I knew Leo Buckley  
had something to do with that. I said,  
"Really" so I went around the corner and I saw  
a friend of his.

Now, I get it; I get it. It's a commercial zone and you can do a lot with that; however, there might be something that you don't know about and I would have never bought if there was a McDonald's -- if there was a McDonald's there.

I don't know how many of you remember Morristown McDonald's and one of the reasons I decided to come is because of the comment that "McDonald's isn't good enough for Morris Plains." Morristown McDonald's was the subject of a lot of police dispatches. Morristown McDonald's finally had to hire a police officer to sit there for eight hours, two four-hour tours. I did a lot of it myself. I gained a good 30 pounds but I understand why they wanted that done.

I am asking you to look at the McDonald's experience in Morristown because, similar to Morris Plains, it's on a main street. It was on Washington Street a half a block up. It finally closed. It is the only McDonald's on the planet that ever closed. It was because of situations and I'm not going to get into the specifics. That's something you

should probably look into. It closed because there was so much activity that required police response.

Now, I understand I've been around 36 years with Morristown Police. The last thing I wanted to get involved in was controversy. So far, the only thing I've been involved in is maybe officiating a basketball game. That's the most controversy I've been involved in in the last six years and that's why I said I didn't really want to be here but you need to look at the Morristown experience. You need to do your work on that.

And to say that Morristown or Morris Plains isn't good enough for McDonald's, I defy you, Frank, to go into Morristown and try to put a McDonald's in all the open storefronts on North Park Place. Ain't going to happen because they don't want McDonald's there either.

I hope you guys have a good night. I hope you'll consider looking into Morristown.

Thank you.

MR. VITOLLO: I have a question for this witness.

No. You're not done. Come on. I can question you. Come on let's go. I've known you a long time.

MR. DEMNITZ: I know you too and you know what? You'd be appropriate to me if you called me by my first name. You can call me "Pete."

MR. VITOLO: Chief Demnitz, did you review the Morris Plains review letter from the Police Department in this case?

MR. DEMNITZ: No.

MR. VITOLO: Do you know if the Morris Plains Borough Police Department had any comments on the safety of the site?

MR. DEMNITZ: No.

MR. VITOLO: Well, they didn't. Do you disagree with your Brothers in the Morris Plains Police Department or do you know better about Morris Plains?

MR. DEMNITZ: I am considered a controversial figure because I have disagreed with my Brothers and Sisters on a lot of issues. This is anecdotal. I get it but it's very simple. Have you looked at the Morristown experience? Have you researched what occurred

in Morristown when McDonald's was there?

MR. VITOLO: I'm not asking you --

MR. DEMNITZ: I'm asking you a question.

MR. VITOLO: I'm not on trial, sir. I didn't come to testify. I'm not on trial. You came to testify.

MR. DEMNITZ: I'm not asking you a question.

MR. VITOLO: My question to you is: Did you review the report? The answer is no, correct?

MR. DEMNITZ: I don't need to.

MR. VITOLO: I didn't ask you that. I said: Did you review it?

MR. DEMNITZ: I've been in court, sir.

MR. VITOLO: No? Correct?

That's all I have for you, Chief.

MR. DEMNITZ: Thank you for your time. Try bringing it to Morristown.

(Applause)

MS. IVEY: Carry Ivey, 8 Leamoor Drive.

C A R R Y I V E Y, 8 Leamoor Drive, Morris

Plains, New Jersey, first having been duly sworn, testified as follows:

MS. IVEY: Good evening and thank you for the opportunity to offer comments.

I've been a combination of moved, impressed and fired up listening to the comments from other members of the community and I'm in agreement that this proposed development will not serve the best interests of our community.

I will also add some perspective from my 15 years in engineering and program management, where I've overseen and advised on many technical and high-stakes decisions on a variety of topics spanning multiple engineering disciplines.

We convene boards of experts and stakeholders, not unlike this one, where data is considered thoughtfully to make decisions. Sometimes there are too many open questions, risks and too high uncertainty to make a sound decision. In those cases, we identify open questions, work out plans to gather the data needed to have the confidence in the path forward.



My opinion, based on the testimony from the applicant's experts, the experts from the objectors and the testimony from residents, is that there is no way we can confidently move forward with a decision to approve this application. There are too many risks and a lack of substantive data to ensure that our residents will be safe and our community will be served well to justify allowing these variances. Our zoning laws serve as a specification and, while drive-thrus are an approved use in this zone, there are many areas in which this application and plan are out of spec.

For any of my fellow engineering nerds, the testimony provided in favor of the application is insufficient. Mr. Vitolo, himself, was asking Mr. Battagliese for a higher standard of data and evaluation than his own team provided, especially regarding environmental impacts.

Traffic studies based on standards that may or may not be up to date serve a purpose but lack the ability to provide true confidence. In my field, we use modeling

simulations to advance a hypothesis but almost never to make a decision. When the traffic engineer was asked by Ryan Martin if they ever go back and see if the actual traffic impacts match what the study said, he acted as if he did not understand the question which, to me, is very surprising because, of course, as someone who is a professional engineer --

MR. BREWER: Can I just stop --

MS. IVEY: Okay. Five, ten seconds.

MR. BREWER: When you read and I understand some people have it written down, you tend to be really fast. She's like -- everybody wants a full record of what's going on.

MS. IVEY: I can email it to you.

All right. So I'll slow down.

MR. BREWER: Okay. Good. All right. I'm just helping her.

THE COURT REPORTER: Thank you. Yes. Yes. I appreciate that. Thank you.

MS. IVEY: All right.

So when the traffic engineer was asked by Ryan Martin if they ever go back and

see if the actual traffic impacts match what the study said, he acted as if he did not understand the question which, to me, is very surprising because, as a professional engineer, of course, you would understand the concept of validating a model with real-world data.

That's just standard. The closest thing that we had in this scenario to actionable data is the video of a delivery truck in action in May that would have provided context to how a delivery truck looked and sounded in action on a real McDonald's site and were opted to not allow that information to be entered into the record.

We have no measurements, no hard data on the number of expected visits per day, just statements from McDonald's to trust them. Mind you, they're the ones with mountains of data that, I'm sure, they gather as part of their corporate and investment processes and the ability to go against that data but they have not provided it.

Lastly, the people who have been here on McDonald's' behalf will walk out of here tonight with no ramifications on this

decision. The people here, members of this community, are imploring you to consider how ill-fitting this development is within our community. We're the ones who will have to live with those ramifications, most concerningly, the safety of our children.

I hope you'll consider all of our testimony and make the best decision with the best interest of those who actually have something at stake in mind. If the options this evening are to approve or to deny, the only answer is to deny.

(Applause)

MR. McALEAR: I'm going to state my name, my last and my address: My name is Rob McAlear, M-C, capital, A-L-E-A-R, and I live in 2 Maple Avenue.

R O B E R T M c E L A R, 2 Maple Avenue,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. McALEAR: I want to ask the Board to consider the following four points before voting:

First: The law team's application was only for a drive-thru but not for this

drive-thru. We wouldn't be here if an approved use, by itself, were sufficient to grant a C2 variance. Instead, the applicant needs to demonstrate that there is an opportunity for an improved supplement for the borough that outweighs any detriments.

Ask yourself: Did the applicant make a good-faith effort to really weigh this application's detriments or did it simply dismiss them? Because, if you think it didn't really weigh them, then they haven't met their burden of proof.

Second: The applicant's planner did not sufficiently justify how this application advances the purposes of the Municipal Land Use Law. For example, he stated that developing this site would absolutely advance Purpose A by promoting health, safety and general welfare but what method? What evidence did he use to arrive at that conclusion? He didn't tell us.

Likewise, with Purposes G and I, by what criteria was the site determined to be, quote, "creatively designed" and "visually pleasing"? Was it McDonald's' criteria? His

own aesthetics? We don't know because he didn't tell us.

How did he determine that a reduction in impervious coverage provides the borough with a net environmental benefit, especially given that plants clear air, noise and other environmental detriments? He didn't tell us.

To be considered credible in the State of New Jersey, an expert needs to explain how they reach their conclusions. Asserting them alone is insufficient.

Third: We all know that sometimes what is not said is more important than what is. If you notice, in this whole application, there was very little discussion of and no justification given by the planner for the menu and order board sign variance. Why? Because, while they can argue that a drive-thru furthers the goal of the Master Plan, they cannot argue that the variance needed to make it a double drive-thru benefits our zoning plan because it doesn't. Doubling customer volume only benefits them and they know that.

Fourth: Developing the Friendly's

lot, in general, doesn't provide any substantial zoning benefit because the lot isn't empty because of a zoning problem. It's empty because the owner wants more rent than the market has determined the site is worth, even McDonald's can only make the financials work if they cram a double drive-thru.

If you grant these variances, you are, in fact, interfering with the efficiency of the local real estate market which has, for years, told this owner they want too much rent and you send the message that, if an owner purposely keeps a building vacant long enough in Morris Plains, the borough will cave and make whatever exceptions necessary for the owner to make money. Is that really the message that we want to send?

The applicant has said multiple times that this is a simple application. Well, I agree; it's simple. The applicant simply didn't meet their burden of proof, simply didn't adequately support their variance justifications and simply didn't explain why a double drive-thru creates a better zoning opportunity for the borough. This application

is not a good fit for the site nor for our community. It really is just that simple.

Thank you for listening and thanks very much to all of you for your service to the borough.

(Applause)

MR. BREWER: Please state your name, spell your last and your address.

MS. CRISTIANO: Michelle Cristiano, C-R-I-S-T-I-A-N-O, 15 Briar Cliff Road.

M I C H E L L E C R I S T I A N O, 15 Briar Cliff Road, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. CRISTIANO: I am not here to discuss traffic. We already know how horrendous and disruptive it will be. I am not here to talk about pollution. Many have touched on that already. I won't talk about safety and the risk you are putting on our crossing guards and the extra burden you will put on our law enforcement. I will not speak about how the charm of that little town will be destroyed and stolen from us.

I will speak to you about our village, our Morris Plains Village, my Village,



in this Village that we are lucky enough to call our home, where, yes, we don't always agree and where we know some folks better than others, yet we have the same goal and that goal is to protect our community, to protect each other and, most importantly, to protect our children and I will repeat that: Most importantly, to protect our children.

When there is a crisis, our Village can't come together quick enough. In 2021, my husband passed away from cancer leaving behind his 11-year-old child. This Village was our life jacket. They saved us from drowning. That's what Villages do, right? They protect each other. Why don't you want to be a part of our Village?

This is a great Village. Why don't you want to protect us and our children? Why would you allow strangers to belittle and degrade your community? Why would you try to silence the voices of those who were here week after week fighting for our community?

This Village, these people are the reason why you have the privilege of sitting here before us. This Village supported you.

We believed in you and we trusted that you would look out for our best interests and the best interests of our children and, sadly, that is not the case. It seems you are willing to sell your soul to those strangers that don't care about anything other than the almighty dollar. Will they cook a meal for you during a crisis? Will they welcome you into their home? Will they check on you to be sure you aren't curled up in a ball unable to get out of bed?

Some of you know our children and our children know you. Some of you are substitute teachers and some of you are our neighbors; yet, you are not worried about their safety and you are not worried about failing them. I am disheartened, disappointed and I am angry by the havoc that you have caused to our little community.

Be better. Never dare to sell your soul for money. No amount of wealth is worth taking away the safety for our children.

I cannot take credit for this quote but "A society grows great when old men plant trees whose shade they know they shall never sit in."

Thank you so much.

(Applause)

MR. REILY: Before I begin my time, I would like to ask for a point of procedural clarification: I believe that this is the community member comments section of the meeting. We have not been sworn in as witnesses and I'm not sure why a cross-examination by the applicant's Council has been allowed thus far. I'm just wondering if the Board would like to weigh in on that, if that's something expected for the rest of the evening?

MR. BREWER: This is public comments. Robert's Rules of --

MR. REILY: I lead a committee here. I lead a council in Morris Plains. That's not in line with Robert's Rules of Meetings and I'm not sure why we're allowing that.

MR. BREWER: This doesn't go with Robert's Rules at all. That's not how it's run. That doesn't govern the meeting. The Rules of Evidence don't apply. People are providing some testimony and that is standard

practice. When a member of the public testifies, they are subject to cross-examination. That's the types of things they do.

Anyway, four minutes left. All right? Thank you.

MR. REILY: Good evening. As I said earlier, my name is Colin Riley. I'm a resident of Morris Plains. My wife and I have raised two children here. I have volunteered for the town on the Board of Health for the last 13 years, for the past three, serving as Chairman. I'm speaking tonight as a resident and a pediatric critical care physician, the only one who lives in this town.

As the basis of my profession and in my 20-plus years in medicine, I have treated well over a thousand, if not thousands, of pediatric trauma victims, from those in train and plane crashes to pedestrians struck, children hit while on bikes, on scooters and in motor vehicle accidents and, yes, I have treated children from Morris Plains.

Unfortunately, when it comes to pediatric trauma, if you name it, I have,

likely, seen it. I currently serve as the Chief Medical Officer for Children's Specialized Hospital, which is the country's largest pediatric acute rehabilitation facility. If a child is traumatically injured in New Jersey, there is a high likelihood that I will take care of them at some point in their recovery journey.

In all of the instantaneously life-changing traumatic accidents that I have seen, my experience is that the ones that most negatively impact emotionally on families and on communities are those that could have been prevented. This is what we are talking about tonight.

I have listened to the very intelligent and eloquent concerns of our community members imploring you to recognize their safety concerns which have not been satisfied by this application. Two nights ago, I heard Dr. Lauren Martin, a fellow pediatrician, share a study from the American Academy of Pediatrics that I hope this Board was able to go home and review over the past 48 hours, very scary, validated data related to

risk factors for child fatality.

This establishment does not belong on the proposed plot. In fact, it cannot be approved unless you grant the applicant exceptions which will directly increase the risk to our population. To be clear, objectively -- and this point is not being argued -- what they are asking for is, at least, 1,400 passes of cars daily entering through a mid-block entrance, the location of which -- in the study that Dr. Martin shared -- is the greatest area of fatality for children in an already-congested two-lane road across from our most densely populated concentration of children.

As a pediatric critical care physician and a parent, that terrifies me. I'm having a very hard time understanding why that doesn't terrify all of the members of this Board. I would request that those of you who are considering voting yes to this application also please think of the name of a child or community member whom you would be okay with sacrificing in a tragic, preventable accident because it's not a matter of if a child or

pedestrian gets struck; it's a matter of when.  
If that concept seems horrific to you, then you  
have an obligation to this community to vote  
no.

(Applause)

MS. BRUHN: Dawn Bruhn, B-R-U-H-N,  
21 King Road.  
D A W N B R U H N, 21 Dayton Road, Morris  
Plains, New Jersey, first having been duly  
sworn, testified as follows:

MS. BRUHN: I've called Morris  
Plains "home" for most of my life. After  
graduating from college, I lived in a few  
different apartments in Chatham, Morristown,  
but, when it came time to start a family,  
nothing compared to the community I grew up in.  
We settled on Dayton Road where we've lived for  
17 years raising two children in a neighborhood  
where safety and connection to others are at  
the heart of daily life.

When I told my daughters I would be  
speaking tonight, I asked them to share their  
memories of growing up on Dayton. They told me  
about learning to ride bikes at the cul-de-sac,  
riding scooters up and down the street, walking

to Friendly's, walking the dog and, of course, trick- or-treating and all these activities were done with the freedom and safety that made our neighborhood special.

That's why I'm here tonight to speak up for my family, my neighbors, especially, my neighbors with young children and the future of this town. If this McDonald's proposal is approved, our neighborhood will change dramatically and future generations won't have the same safe street that my children experienced.

This town has changed over the decades but not all the change is negative. Change can be positive when it aligns with the values and vision of the community. A good example of this is when Harbor Terrace replaced Bretton Woods. While it was sad to see that business go, what replaced it has positively impacted our community.

Before the pandemic, my daughter participated in an outreach program where students played board games with the residents. It had a profoundly positive effect on her and I'm sure the residents appreciated the



opportunity to connect with children. That's what this town has always been about, building positive personal connections, face-to-face interactions, not a quick transaction at a drive-thru.

The McDonald's proposal does not support the values shared by most people in this town. Frustrated drivers stuck in traffic does nothing to benefit this community. The only advantage I see is filling a vacant lot with a faceless, nameless person that has shown no effort to connect with the people who live here. Remember the faces of those who have had the courage to speak up over the past few weeks urging you to consider their concerns. Think of those who have served this town before you who sacrificed to protect its character.

Up until now, those making decisions for this town have always considered both positive and negative impacts on the people who live here. These decisions have resulted in positive additions to our town like Arbor Terrace, Scoop Station, TD Bank, Art in Motion, all businesses that contribute to the long-standing tradition and character of this

community. This McDonald's drive-thru does not fit that tradition. It represents a shift away from the values that have made Morris Plains a place where families like mine want to stay.

It's not just about the traffic, the noise or the bright lights; though, those will be hard enough to live with. It's about the erosion of the sense of community we've worked so hard to maintain. People just rolling through a drive-thru are not making face-to-face connections with anyone in this town. The name of the game will be to get in and out as fast as possible with little regard to the people that call that side of Speedwell home or to the pedestrians trying to safely go from Point A to Point B.

Tonight, I'm not just speaking for myself but for every resident who wants to be able to walk or jog safely while greeting neighbors who know -- we know and recognize, faces that are part of the fabric of this town that are smiling back, not disgruntled, frustrated drivers sitting in traffic on Speedwell.

This is a moment to remember what

makes Morris Plains special and make a decision  
you can be proud of tomorrow and many years to  
come.

Thank you.

(Applause)

MR. DENNETT: Daniel Dennett,  
D-E-N- N-E-T-T, 19 Dayton Road.  
D A N I E L D E N N E T T, 19 Dayton Road,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. DENNETT: Good evening,  
everyone.

My name is Dan Dennett and I  
appreciate you taking the time to hear my voice  
tonight. I'm a proud husband and father of  
three beautiful children that reside on Dayton  
Road.

I, like many others in our town,  
have, unfortunately, been dragged into this  
shambolic situation. It appears our town  
representatives do not have our best interests  
at heart. I have been unable to attend these  
meetings in person but have had the opportunity  
to watch from afar, via the live feed that Bill  
Houston has been able to provide.

Thank you for that, Bill.

One of the greatest things about something being live is that you get the chance to see everything unfold as it happens. I've been so deeply saddened by the constant disrespect, childish attitudes and unnecessary insults that I've heard from the applicant's side.

The lack of interest which has come across as extremely arrogant from some of you sitting opposite me today is astounding. I have watched you sit there doodling. I have watched you sit there and talk over people and you are very quick to shut other people down. It is laughable that I watch my screen and witness Board members dozing off in every meeting and still have the chance to vote despite missing a fair amount of information. You have continuously catered to Mr. Vitolo's requests which does not fill me with a great deal of hope. He successfully requested that his closing statement allows him to have the final say. This is shameful and this request was pitiful.

My opinion is that you truly

underestimated your fellow neighbors in this town and thought this would be a home run. As you sit here today for what feels like the hundredth meeting that's taken place, hopefully, it is apparent that you were wrong and the public is here to stand up for our own safety.

Do you still have the audacity to continue to ignore the fact that Mr. Vitolo and his experts have yet to actually provide sufficient evidence to prove to us that we can guarantee the safety of our residents?

Do you still have the audacity to ignore the very people that you serve who have expressed deep concerns regarding the future landscape of our town?

Board members of Morris Plains,  
stop this mess.

Like many others have already said before me, we are not opposed to a McDonald's in town. We are opposed to the location. There are much better options than placing this eyesore on the busiest roads in front of two schools, a church and so close to our quaint and unique downtown.

When all this is said and done and you no longer hold a chair on this Board, are you really going to sit back and think that this has made a positive impact on this town? All the hard work and timeless hours I am sure you have put in will go to waste. You will destroy it all. The residents of this town deserve more. The future of this town deserves more.

Plant better trees.

(Applause)

MR. HUNT: Jim Hunt, H-U-N-T. One of the simpler things to spell.

MR. BREWER: Sorry?

MR. HUNT: One of the simpler things to spell.

MR. BREWER: Address?

MR. HUNT: H-U-N-T.

MR. BREWER: Address, sir?

MR. HUNT: 44 Jaqui Avenue.

J A M E S H U N T, 44 Jaqui Avenue, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. HUNT: Before I read what I've written tonight, I'm struck by what the doctor

said about fatalities, about your willingness to --

MS. COFFEY: I can't hear you.

MR. HUNT: Before I begin the formal...

Thank you.

I've been struck, as I said, by the doctor's comments about what happens if a child is killed during this McDonald's potential drive-thru experience. I'm trying to get a sort of a --

I spent most of my retirement years, now, trying to help make the New Jersey roads safer. Every year, I meet with families and victims of road violence on World Day of Remembrance. New Jersey has higher fatalities than it's been in years. We are not doing what we can do to make our roads safer and the federal government and others have led the way with something called a "safe-systems approach" which suggests it's not only what happens on the road; it's what happens off the road that makes a difference in creating traffic violence and death.

The truth is that not one of us, if

we're driving tonight, knows that we're going to get home alive because of the danger on our roads. Depending on which roads we go on, plus, we have rain; who knows what's going to happen? We have to do everything we can to take the system to a place where people are not killed.

The State is about to pass a Bill called the "Target Zero Commission Bill" looking for unified ways the State can take leadership in ending injury, serious injury and death on our roads by 2040. It means it takes everybody in every town to engage in a systems approach, including not approving proposals like the one in front of you.

This proposal, McDonald's looking for your approval, would squeeze in, let's face it, a corporate, cookie-cutter highway operation between Main Street, our Main Street, and a residential neighborhood with no benefits to our community that have been, at least, expressed. How? Through their variances, variances that you have the power to deny.

This squeeze-play they propose would face us with increased congestion, likely



vehicle crashes, more risk of injury for pedestrians and bicyclists and more reliance on our police to manage the problem they would create because McDonald's says that's our problem, not theirs.

We'll be treated to glaring advertising on more signs than are permitted in the ordinance, some, three times larger than the borough permits.

THE COURT REPORTER: I'm sorry.  
Can you slow down just a little bit?

MR. HUNT: I will if I can take that slow-down as part of my time.

All to attract customers to a hotspot of emissions from idling cars to potential altercations from road rage or, worse, to security issues from a late-night operation -- like the Chief explained -- to marketing campaigns that are designed to lure drivers from everywhere and increase the so-called 700 to as many as they can to support the finances of their project.

As many in our community have pointed out, they're relying on multiple variances to make it work and you have the

power to deny those variances. Most troubling, to me, is their report that, at a non-public meeting with the DOT, they were told and then told this Planning Board that the DOT gave them a green light. Well, what was discussed? Moving the crosswalk? Creating another block to block speed? Adding 100 more left turns a day? Right turns a day? What else? What else was discussed?

The DOT will require a permit that requires a detailed checklist and much other information before the DOT will approve. You will have to take a look at it. Our Planning Board should have a voice in the permit process and all the information, not just rubber-stamp it but the assurance that it's going to happen.

The borough has had pushback from DOT about simple things like adding a sidewalk or using flags across the street to make it safer. The DOT has pushed against us. We know the DOT is going to take a role in this and we don't, exactly, know what that is. "Trust us," they say, "disregard the public and our resident experts."

It's not our first rodeo. I ask

you, as our representatives: Have they earned your trust?

Dozens of your neighbors just spoke and have asked questions before me. They have faced condescension, sarcasm and intimidation. Over a thousand other neighbors, your neighbors, support those who have spoken. We now ask you to deny approval based on the facts and to ensure the "Community of Caring" has a Planning Board that cares about what happens to us when a McDonald's team of hired guns moves on to their next rodeo.

(Applause)

MR. YUNGHER: Don Yungher, 10 Walsh Way.

D O N Y U N G H E R, 10 Walsh Way, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. YUNGHER: I'm speaking tonight because I simply want to ensure that we're all aware of the issues that we observed in the testimony from the applicant's experts over these past few months.

Until now, we've only been allowed to question them in cross-examination, most of

the time, but it's important that the details that they sidestepped during their testimony are brought to your attention.

On October 21st, Mr. Duarte and Mr. Vitolo assured that the applicant would consider a pedestrian safety measure to slow traffic and improve pedestrian safety on their property. This would be presented to us. To my recollection, it was never presented. It was never on the screen. They ended his testimony without that update. This is a small lot with limited lines of sight from the drive-thru window and their testimony did not produce the change to improve safety.

This is important because of its relevance to the Morris Plains Master Plan. On December 9th, Mr. Graviano, in his sworn testimony, spoke of the Master Plan as promoting, quote, "experimental retail," the Master Plan specifies experiential retail and we can chalk it up to a mistake. After all, fast food drive-thrus are neither experimental nor experiential so this is not aligned with our Master Plan."

Mr. Graviano testified that his

application suits MLUL A, G and I. On Monday and tonight, our neighbors have explained what A G and I are and I won't waste my limited time repeating it except to reiterate that none of these benefits, especially safety and general welfare, are met by this application. At best -- at best, the concessions the applicants have made will mitigate some of the damage their application will cause. Variances do not need to be accepted if they do not fit Morris Plains' Master Plan.

On November 19th, Mr. Peregoy testified about traffic on and around the property. Remember, as Mr. Brewer instructed, we must ignore traffic considerations on Speedwell and other roads so, focusing on traffic and safety on the property, how many cars will be on property at peak hours? At other hours? When I questioned Mr. Peregoy, he didn't seem to understand and I really didn't know how to put this as a question so, tonight, I will make it clear what my thinking was and I encourage you to do the same back-of-the-envelope math. You have your phones; you have your calculators.

If McDonald's expects only about 800 vehicles per day and the industry standard model from around the country only predicts 70 cars at peak hours, then all the other hours, 6:00 a.m., 10:00 p.m., will also have a little bit less than 70 cars at 6:00 a.m. and 10:00 p.m. and 10:00 a.m. Those numbers don't make sense and they strongly suggest that many, many more cars on the property will be happening, not just at peak hours.

This raises the question of what that additional traffic would mean for pedestrian safety on the property. The applicants talk about this application like it's a fait accompli, like the zoning of this lot requires Morris Plains to accept everything to do with their application and, yet, the permitted-use argument is clearly flawed.

How do we know this? Because this zone is not allowed to have menu boards but there are other zones in Morris Plains that do. It's that simple, same for the parking space number and size and many of the other variances they're requesting. They've spent their testimony hand-waving away their application's

incompatibility with our ordinances and Master Plan, but the facts of the application, as testified to by their experts, make it clear that this application should not be accepted.

Plant better trees.

(Applause)

MR. MORAN: Craig Moran, M-O-R-A-N, 7 Hillview Avenue. C R A I G M O R A N, 7 Hillview Avenue, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. MORAN: First off, I can understand why the applicant would want to use this particular land and seek the variances to cram this drive-thru in an undersized lot. If you traverse Speedwell from the Green down to Route 80 in Parsippany, I think there's only one other restaurant drive-thru in Wendy's.

Unfortunately, every benefit that Ronald and the McDonald's Corporation is going to receive comes as a detriment to every neighbor, resident, cyclist, motorist and pedestrian, young and old, in our town.

Living on Hillview, I can walk outside on any given day and see multiple

postal workers walking to and from work. I can see dozens of joggers going down Speedwell, kids walking to and from school. It may sound melodramatic but my biggest fear is that some child or adult is going to be crossing Speedwell and an Uber Eats driver or some other delivery driver who's rushing to make a delivery is going to come out of Dayton and hit someone in a crosswalk.

I find it laughable that more credibility is supposed to be given to experts from the applicant, who, I'm assuming, have been paid, versus applicants -- experts in our town who are doing this in their own free time and who, obviously, do have an interest in this. They live in this town. McDonald's' experts, once this is done, they leave. We actually have the ramifications of this vote. Whatever happens, we have to live with it. They don't.

These experts, while I'm sure they know a lot about fast food restaurants and traffic concerning that, know nothing about our town. When their traffic expert was asked for a suggestion of what should happen if someone's



trying to make a left off of Speedwell into McDonald's, he suggested going around to the right. We all know, in this town, that this is already a problem. Everyone in here has probably experienced it, at least once, where they've been crossing the street and someone stops and then the person behind that person tries to go around to the right and nearly gets hit by them. It's unacceptable.

Lastly, I hope, when you make this vote, that, when you're done, you can look yourselves in the mirror and you can look everyone in the eyes in this room and see that you looked out for the best interest of your town.

Plant better trees.

(Applause)

MS. SCHROEDER: Lisa Schroeder,  
S-C- H-R-O-E-D-E-R, 97 Maple Avenue.  
L I S A S C H R O E D E R, 97 Maple Avenue,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MS. SCHROEDER: You, Board members,  
have a legally-supported, legally-sustainable  
path to denying the site plan and the requested

variances. You have the legal right to request more information and evidence from the applicant. The applicant has refused to provide that information. A denial of this application is, therefore, warranted because the applicant has not carried its burden of proof. You have the power to do what is legally correct. You have a path to planting better trees.

The applicant must demonstrate that the benefits of granting a variance outweigh the detriments. The only benefit to the public good stated by Mr. Graviano for the parking space and loading zone variances was avoiding unnecessary pavement and additional impervious coverage to the site. Notably, he did not even address the detriments but such detriments include a cramped parking lot, poor site circulation by vehicles, unsafe ingress and egress, unsafe conditions for pedestrians within the site and noise stemming from idling vehicles in the back of the lot.

I don't know about you all but those detriments sure seem to outweigh any benefit stemming from avoiding unnecessary

pavement. Do you really think that McDonald's has carried its burden of proof with regard to these variances? It doesn't sound like it to me.

I also want to reiterate some important points I took away from Peter Steck's testimony:

Traffic safety principles dictate the entrance and exit driveway should be on Speedwell Avenue and should be either aligned with Hillview or offset by, at least, 125 feet. I don't believe McDonald's has done this.

The absence of a designated loading zone will create traffic circulation difficulties within the site. The idling of an 18-wheel truck in the back of the lot will create substantial noise which will significantly impact nearby residents.

The 9-foot width for parking stalls being requested by McDonald's is too narrow. There is no public benefit to narrower parking stalls and Mr. Graviano offered none. The applicant should have requested variances for the 11 parking spaces along Dayton Road and for its 18-wheeler delivery truck to exit onto

Dayton.

You have a path. You have a path towards a legally-sustainable "no" vote.

I urge the Board members to reflect on how careful the applicant was to not disclose information when it very easily could have. Why did it obscure so much information? Why didn't it produce a single representative from McDonald's to testify? Why is the applicant hiding behind third- party experts and not arming them with all relevant information? Why hasn't McDonald's shared its actual business plan with this Board to give us a fuller picture of what we can actually expect? Why didn't the applicant want to allow the testimony of Mr. Amorosa and Mr. Battagliese, who are both more than qualified to testify? Why are they trying to keep the Board and the public at an information deficit?

Why can't they prove their case through facts rather than through discrediting? Why did the applicant silence the public with the blatantly incorrect assertion that Ms. Coomer represented all fundraiser donors? Why are they trying so hard to silence us? What

else are they not sharing?

For every single one of you sitting on this Board, your vote is your own and it is your legacy. The public has a long memory, an engaged, educated resident base. We will not forget. Your vote is your own. It is not for the Chairwoman or anyone else to dictate.

Please, for our kids, for our neighbors and, especially, the residents of Dayton, Canfield and Hillview, just vote based on the record before you because the record shows the applicant has not carried its burden of proof for the variances, has not requested other variances it needs, has designed an unsafe site plan that is too large for the space and has not proven that it will comply with the noise performance standards.

You have a path. Plant better trees.

(Applause)

MR. ANOROSA: Joseph Anorosa,  
A-N-O- R-O-S-A, 28 Dayton Road.  
J O S E P H A N O R O S O, 28 Dayton Road,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. ANOROSA: Thank you, Board.

Thank you, Mr. Brewer, for laying out all the steps for us.

Thank you, Mr. Peregoy, Mr. Duarte, for your professional expertise, which is invaluable in this process. I do not envy you.

My opinion, my personal opinion, is already clear. My previous testimony, obviously, very technical, some words to convey my thoughts. I'll express my opinions as if I'm talking to my 4-year-old to explain what's coming.

"Hey, Dad? Why don't we walk to Simons Park anymore?

Because I don't feel that it's safe to take you across this crosswalk anymore.

Hey, Dad? Why don't we walk to Dunkin' Donuts anymore?

I don't feel it's safe to walk on the sidewalk across this driveway because McDonald's brought in all this traffic."

Jesus Christ.

"Hey, Dad? What's that white bicycle mean at the corner ahead of you?

It means that a bicyclist was hit

and killed by a vehicle and it was placed there in their memory."

The applicant says they've enhanced the crosswalk across Speedwell. The blinking sign is helpful. An advanced pedestrian warning sign is helpful to bring the driver's eye to the crosswalk location. That's not exactly an enhancement. They didn't make it shorter; they didn't make sight distance clearer and they moved it to a worse location.

I forgot my second point.

We're across the street from a church. They don't count cars on a Sunday. We're across the street from a school. They don't count cars when school's being dismissed during that time of day. You don't have all the facts in front of you. How are you going to make an informed decision?

Any concerns we raised to the applicant as far as safety and operations, yadda, yadda, we're just given a hand wave away. Any questions or concerns from the Board? Of course, right away, we'll make that change for you.

Are you representing our concerns

in any way? Do you hear us?

A few more rhetorical questions...

How am I going to explain this to my kids in a couple years when they say, "Well, this is a monstrosity. Traffic and safety are a nightmare"? How are you going to explain this to your kids and grandkids?

Deny; deny, deny. Obviously. Come on. Use your head. We have the facts in front of you or lack thereof, as pointed out by some of my neighbors, friends, whatever; it doesn't matter what they are. They live in this town. They have a voice. We're all just as important, no matter what street they live on.

I mean, people. There's kids here. Use your head. There's a path to deny.

(Applause)

MS. WILLIAMS: Jessica Williams,  
W-I- L-L-I-A-M-S, 22 Stonybrook Road.  
J E S S I C A W I L L I A M S, 22 Stonybrook  
Road, Morris Plains, New Jersey, first having  
been duly sworn, testified as follows:

MS. WILLIAMS: Good evening. My  
name is Jessica Williams. I have lived in  
Morris Plains for 16 years. I've raised my



three kids here. When we moved here in 2008, I had an 8- month-old, a 2-year-old and a 5-year-old. I didn't move here because I was looking for a town like Morris Plains. We ended up here and, fortunately for me, I fell in love with this town.

Before I begin, I need to thank several people this evening: Tom Battagliese, Heather Coomer, Mike Ivey, Joe Anoroso, Cecere, Ron, Bob Bianchi and, of course, Lisa Schroeder, all of whom have worked tirelessly to get us here today, hundreds and hundreds of hours they spent away from their families preparing.

There are so many other residents and I apologize to everyone who I'm not specifically naming but I know who you are, those concerned people who advised on legal matters, wrote letters, organized donations, researched, posted updates, attended meetings, put out signs, asked questions, followed up and acted as a sounding board for my frustrations during this process.

I also need to thank the residents on Canfield Place and Dayton Road who were so

patient, honest and cooperative through this process and it has been my pleasure to get to know you.

While we all seem to lose something if this application is approved, the residents of that neighborhood stand to lose the most. Their quality of life, property values, health and welfare are at stake. The fight is for them and the preservation of the neighborhood they love, secondly, is the town they love.

I began this journey a few months ago when I heard, through the grapevine, that McDonald's was being proposed for Speedwell Avenue at the old Friendly's location. I said to myself "This cannot possibly be true. This is the worst idea I've ever heard" and I decided to check it out.

On my own, I attended a town Council meeting. I questioned the Council that evening about the reasoning for passage of the ordinance October 2023 and was taken aback at the explanation that I received. I was told, point blank, that the ordinance to allow drive-thru restaurants in that zone was a reaction to COVID and the need for encouraging

business.

"Did you think this was a good idea?" I asked. "Yes," I was told, "and we voted for it."

That same night, I spoke with Jill Cecere in a dark parking lot about her experience and I knew I couldn't let this happen without a fight. Shortly thereafter, I met Lisa Schroeder outside of a Planning Board meeting and, thus, began this journey we have been on.

I have no formal legal training or experience in objector work but some might say I'm a little outspoken and, more importantly, I'm surrounded by the amazing residents of Morris Plains who show up and get things done.

I don't need to reiterate all the reasons why you should deny this application because our fellow residents have repeatedly made this effort. If you choose to ignore or reject the facts that have been presented to you -- and there are multiple legally-defensible arguments for denial -- then either you aren't paying attention or you just don't care or maybe you just want to be removed

from your position.

I'm profoundly disappointed in the manner in which some of the members of this community have been treated during these proceedings. Do I need to remind you that we are your constituents? We are your neighbors? Need I remind you that we do not need to provide a burden of proof but it sure feels like we're fighting an uphill battle, worst of all, without the support of our elected town officials and Board members and I acknowledge that you have rules to follow and must remain impartial but I am deeply saddened by the manner in which you have treated the members of the public while pandering to the applicant. It's a hard pill to swallow when you realize that your elected and appointed officials do not have your best interest at heart and, since I'm going to get cut off, I just wanted to do one more thing since this is my time.

I'd like you to listen to this. It's the audio and the video that I took outside of the Bayonne McDonald's on December 2nd at 11:00 a.m. Okay? This is not 20 decibels. McDonald's has lied to you.

(Applause)

MS. POND: Kathy Pond, 28 Hillview Avenue.

K A T H Y P O N D, 28 Hillview Avenue, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. POND: I moved to Morris Plains in 1986. I raised my two daughters here; the oldest attended kindergarten in this building just down the hall. They both went on to Mountain Way, Borough, Morristown High, college and then entered the real life.

I was the young mom on the block back then but, now, I'm the old mom on the block so I've seen a lot of changes through the years but, if this McDonald's application is approved, the heart of Morris Plains will forever be destroyed. I do not agree with any aspect that it will benefit our community.

I do agree 1,000 percent with our residents' and experts' outstanding testimonials on Monday night, December 16th. They confidently showed the major flaws and omissions in this application.

Morris Plains will be left to deal

with the brutal aftermath if approved. Their lawyer and experts will be gone. According to the morristowngreen.com article, dated December 13, 2024, their lawyer has already moved on and has been named to the Lafayette Avenue proposed demolition project in Morristown.

My greatest fears are the potential catastrophes involving pedestrians, cyclists and our precious children. We already have overwhelming congested traffic on streets. Now, you add in another 700 to 800 more cars daily on Speedwell Avenue and you have a disaster waiting to happen.

I'm a registered nurse with a 47-year career, now, happily retired, but, within my career, I worked for 13 and a half years in the emergency department at Morristown Medical Center. I pray that each one of you never has to experience trying to save a child who was run over by a car while crossing the street and then to lose that battle and having to face those parents whose lives have been changed forever. Well, I have. This true scenario still haunts me to this day.

I beg you to protect this town that

we all love, the residents, business owners,  
visitors and our precious children and  
grandchildren. You have the power to do this.

Thank you.

(Applause)

MS. MERKLE-FOLEY: Lisa  
Merkle-Foley, 23 Sun Valley Way.

L I S A M E R K L E - F O L E Y, 23 Sun  
Valley Way, Morris Plains, New Jersey, first  
having been duly sworn, testified as follows:

MS. MERKLE-FOLEY: Good evening.

I'm a 25-year resident of Morris  
Plains. I also raised three children in this  
town and, while I'm concerned about vacancies  
in our downtown spaces, I'm interested in  
attracting business to our Main Street. I'm  
also aware and focused on the importance of the  
context and the type of businesses that are  
appropriate for these spaces and that will  
enhance the fabric of the town.

I also have a nursing background.  
I'm an advanced practical nurse. I've worked  
at the trauma center. I'm currently a college  
professor of nursing and I teach public and  
community-based nursing courses at a local

state university.

I have a professional perspective on this development and must share that there's a wealth of evidence for research that community infrastructure and the built environment have a great impact on the overall health of the community and the residents within the community. The design choices we make in our homes, our schools, our workplaces, our communities, transportation systems, all have a major effect on our health. A healthy community protects and improves the quality of life for the citizens, promotes healthy behaviors and minimizes hazards for its residents.

It should also preserve the natural environment as much as possible. While developed environments in towns and cities provide socioeconomic benefits that support quality of life, the inhabitants within poorly-developed towns face a great burden of adverse health outcomes. Recent literature has linked ill-conceived land use with a wide range of illness and death caused in developed nations including asthma, high blood pressure,



cancer, cardiovascular disease, injury, poor mental health, obesity, traffic accident injuries and a generalized sense of reduced well-being. Scholars have given good theoretical reasons to believe land use can shape the inhabitants' lifestyles which subsequently impact health.

The people who have given their testimony against this application are correct in raising their concerns about traffic safety, environmental impact, light and noise pollution, air quality, waste management practices and even, just, the constant low-level stress of living near a congested and poorly-utilized public lot.

Morris Plain citizens have raised their voices about having this plain common sense that this drive-thru development will impact residents' ability to use public space for walking, jogging, cycling, playing and driving. It will likely cause stress every time they leave their home.

Building McDonald's on the proposed lot is the wrong answer to a fulfilling town's desire to occupy a vacant commercial space.

I've attended several of the meetings these past few months and I have not seen Morris Plains residents who work for the proposed McDonald's come forward to these meetings. Where are they? Why is that? "Is this a deal that has been made already" is a question that I've raised in my mind and are we in opposition of it? Are we just being given a conciliatory platform to feel like we have a say in the matter?

There are certainly some people who want this but I would speak and believe there are many who are not here vocalizing their perspectives on the project. I don't believe these people are in the majority nor have they been closely-informed by the expert testimony presented at the meetings.

I can speak for most Morris Plains residents when I say: We do want progress. We want growth. We want beneficial development in the town but we also want to live in a safe and healthy community.

Why can't we wait for a more appropriate application to fill the space?

I implore you to reject this

application and work towards incentivizing other businesses without a drive-thru to occupy this lot. Your decision would make a difference in whether we're building towards a healthier community which aligns with our Master Plan or are you going to go directly against it? The plan for this lot should promote better health for all people in the town, not just the financial stakeholders.

(Applause)

MR. TROTTER: Jonathan Trotter,  
T-R- O-T-T-E-R, 17 Dayton Road.  
J O N A T H A N T R O T T E R, 17 Dayton Road,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. TROTTER: I'm going to calm my nerves by sharing a story and going a little bit off script here but, not two days ago, I'm walking down Speedwell Avenue with my two dogs, my baby in the carriage, my wife on my side. It's an absolute circus and, I kid you not; there's a Coca-Cola truck sitting in front of the Presbyterian church and this guy gets out of the back of the truck with his dolly filled with all the Coca-Cola products and everything

like that and, now, he's in the middle of Speedwell Avenue wheeling this thing across, trying to get to Annabelle's or Dunkin' Donuts or whatever the case might be.

The reason I share this story -- besides the fact that it's absolutely ridiculous that this guy was crossing there and what the hell was he thinking -- is, when you're reviewing this application and you think to yourselves, "Hey, in this place, a basic human will do this," always remind yourselves that humans tend to disappoint, at times, and they do the craziest stuff. Just, kind of, keep that story in mind, the big Coca-Cola truck.

So, back to the script: 17 Dayton Road, three houses behind the proposed McDonald's, to humanize this a little bit, as I just said, I'm a husband to my wife, Jackie, father to our 1-and-a-half-year-old son. We've got another one coming in April so this is pretty personal to me.

I'm not sure that anything I'm saying, at this point, will have an impact on the decision of the Board. I think the

residents of Morris Plains are unified in our opposition to the application and have made that pretty clear. When the zoning changes that gave way to all this were presented, back in October of 2023, the Town Council pushed them through despite concerns and unanswered questions from the public. We were told there were simple changes to modernize our zoning restrictions, we were given one night to be heard and, that very same night, a vote was pushed through with great haste and here we are.

Much like that night two Octobers ago, the public has concerns and questions that, despite hours of expert testimony and civil conversation, are going unanswered. The plans are free, loose and perceived with a mindset of "It'll be fine." We are potentially making changes to the rules and ordinances in our community, once again, with great haste.

It is, certainly, the right of each member of the Board to choose to vote in favor of the applicant but it is equally the right of the public to hear an explanation as to why. Why would one be in favor of something that the

community so passionately opposes? Why do we have rules, ordinances and regulations that a corporation can come in and rewrite them on the spot? Why are we ignoring the negative impact this will have, specifically, on the residents of Dayton Road and surrounding streets? How can anyone drive down Speedwell Avenue at 5:00 at night, any day of the week, and think: We need more traffic, more people trying to make left turns and, hell, let's toss in a drive-thru that might back up on Speedwell?

How can a slick attorney waltz into a Planning Board meeting with alleged approval to move crosswalks and rework traffic flow on Speedwell when our elected officials told us it can't be done and that the State won't allow it? Residents get struck and our officials do nothing except give us a flag and a prayer. McDonald's wants to come to town and mountains are moved. It's a fascinating dynamic.

Another community member encouraged you to consider your legacies. I respectfully disagree. I have a Master's degree and I can't name the 27th President of the United States and that guy was President of the United

States. Respectfully, I don't think the Planning Board officials have much of a legacy but they do have an impact and I ask you to consider that impact because, the next time McDonald's tries to rewrite zoning regulations, they won't be using the ill-fitting Bayonne as the reference case. They'll be using Morris Plains and members of the contested community won't have a leg to stand on. The decision will have implications statewide and, potentially, even nationwide.

For me, personally, this has the potential to be the straw that breaks the camel's back. If this goes through, my family and I will be moving on from Morris Plains. This might sound dramatic but I assure you; the ball is already in motion. It might be a few months from now, could be a few years depending on the true impact of my home's value as a result of the change but, either way, I will not raise my children in a town that treats its citizens as second class and puts the needs of businesses in front of the needs of the residents. Simply put: This town has failed me too many times.

I got my last couple sentences. I don't want to go too fast, though, because I'm on it.

Someone else will take my place. The town won't miss us. Life will go on and the world will continue to spin but I want each and every one of you to know that, by voting "yes" tonight, you are not just voting for the addition of McDonald's but you're also directly voting for the removal of my family from this community.

I'll leave you with this: Don't be intimidated and don't be told. The Counselor for the applicant has dominated this entire process and has acted as if this town needs to seek approval from him. I gently remind you that he is the applicant and you are the gatekeepers. This is your show and your decision. I urge you to make the decision that sits in your heart and, respectfully, ask you to protect this community.

(Applause)

MR. ZETTERSTROM: This is Kevin Zetterstrom, Z, like "Zebra," E-T-T-E-R-S-T-R-O- M.



MR. BREWER: And your address?

MR. ZETTERSTROM: 128 Sun Valley  
Way.

MR. BREWER: Thank you.

K E V I N    Z E T T E R S T R O M, 128 Sun  
Valley Way, Morris Plains, New Jersey, first  
having been duly sworn, testified as follows:

MR. ZETTERSTROM: This is my first  
time at one of these meetings. It's probably  
going to be my last time. I just want to say  
thank you to you guys. I'm sympathetic. I  
cannot stand here as long as you guys have,  
night in and night out, so thank you for taking  
the time to talk to me and listen to all the  
other residents.

This might be an unpopular opinion  
to share but, if I'm on the go and I need a  
quick bite, I might head to a McDonald's. In  
the last couple months, I've eaten at  
McDonald's a couple times. I will also say, in  
my past 10 trips to McDonald's, I've eaten in  
my car while driving 9 out of those times and  
I'll come back to that in a minute.

Even though I might eat at  
McDonald's, I firmly disapprove of the plan to

put McDonald's at the suggested location on Speedwell and I urge this Planning Board to reject the application based on those requested variances.

So, why do I disapprove? Well, I have two small children who attend Joyful Noise, which is directly across the street from the proposed location. While I drive my children here, many parents walk their children here. With the suggested traffic flow into and out of this McDonald's property, I'm worried that it's an accident waiting to happen. My children will also, one day, attend the Borough School, also, almost directly across the street.

I'm almost more concerned with the safety of these children. Here's why: Many of these kids walk themselves or ride their bikes by themselves and, kids are silly; they might not understand all of the appropriate safety rules when walking with their customers.

I'm going to draw from some personal experience: When I was a child, I was hit by a car when I was riding my bicycle. Thankfully, I'm okay but it was traumatic. I

was rushed to the hospital. How did that happen? Why did it happen? The driver was distracted. They were looking left and then turning right, right into me.

Where I was in an accident, it was a fairly low-traffic area. That still happened. I can only imagine adding more traffic to an area will increase the likelihood that accidents like that would happen and I pray, when it does happen, that those individuals are as fortunate as I am and can walk away from the incident.

Why do I say "distracted drivers"? I come back to the McDonald's clientele. It's me, right? The person who's eating while driving, sticking my hand in a bag, more concerned about grabbing a french fry than I should be. It's a door-to-door UberEats driver looking at their map, using the app or it's just someone more concerned about pulling into an already-congested roadway than they should be. At the exact same time, I'm dropping my children off at school or picking them up at midday.

Going back to 2015 for a second, I

was living on Littleton Road, which was already congested; an unfortunate situation happened. My dog got loose out of the house, ran right into 202, the same 202 that this McDonald's is applying for. She got hit by a car, died instantly.

We don't need more congestion. We need safety. We need traffic mitigation. I urge this Board to reject this application for the safety of my children, for the safety of all the children we're going to have in the future and our pets.

Thinking about all the children, I know a lot of parents that I'm friendly with couldn't be here today. They're not here because they're at home with their little ones or they just already -- I've talked to some people. This is what they feel: They feel that their voice would have no effect on the outcome so I would love for you to prove those parents wrong and help us believe that there's good in this town. Help us keep this town safe. We are the "Community of Caring." Please be caring neighbors and vote this application down.

(Applause)

MR. MARTIN: Ryan Martin, 2 Beech Drive.

R Y A N M A R T I N, 2 Beech Drive, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. MARTIN: I'd like to draw attention to a few things that I observed throughout these meetings that I feel important in considering making this decision:

According to the World Bank, McDonald's' revenue is nearly 26 billion dollars greater than the GDP of 77 countries. I raise that because their resources are limitless; yet, they elected not to prepare an environmental impact study despite the unique nature of this project nestled within a residential neighborhood directly adjacent to a daycare and a grade school. Surely, if they believed that an environmental impact study would have supported their application, it would have been done. There are no financial barriers for this application. The fact that it was not completed as part of this application is an indictment in itself. Just

how bad do they expect an environmental impact study, even one paid for by McDonald's and conducted by friendly experts, would be if they refused to even consider it?

Throughout the proceedings, McDonald's' Council has demanded that members of the community be restricted from asking any questions about other McDonald's locations and McDonald's' experts were never required to address conditions at other locations that may prove instructive for what the community could expect from their proposed location on Speedwell Avenue; however, these rules only apply to McDonald's' experts. When members of the community provided expert testimony, McDonald's Counsel immediately demanded that they give their opinion on unrelated projects in fast food restaurants. These were not questions to assess their ability to testify as experts. They'd already been accepted. Instead, these were "gotcha" questions about why they didn't object to a fast food drive-thru in a different part of town operated by a different company having no legitimate bearing on these proceedings. Please remember

that members of the community were never allowed to ask McDonald's' experts about their opinions on other locations.

Similarly, McDonald's failed to provide any data on the expected noise impact of their location beyond a statement about speaker boxes from an unqualified site engineer or about the absolute volume of odors that should be expected, despite having data available to them from the thousands of locations that they operate. Instead, Counsel demanded to know what the environmental expert, on Monday, had tested odors at other McDonald's locations. These demands came despite the applicant's repeated insistence that experts could not comment on any other location. Not only does McDonald's have the ability to provide this Board with noise and odor studies from any of their thousands of restaurants, they vigorously opposed any attempt to play a video of the noise generated by the restaurant they, themselves, identified repeatedly as the most similar location in Northern New Jersey.

McDonald's' traffic engineer made repeated statements that traffic would not be

impacted and pedestrian safety would improve with McDonald's. How can you trust a traffic study conducted by someone who suggested that buses and large vehicles could park on Speedwell Avenue where parking is explicitly prohibited even if it were possible? This statement, alone, should cast doubt on the traffic expert's ability to provide an accurate assessment of this property and demonstrates that he lacks even the most rudimentary understanding of the situation on Speedwell Avenue.

I think it's important to address and have the Board consider the conduct of the applicant's Counsel, who has taken apparent pleasure in demeaning the members of this community and insulting individuals who have had no disposition to express their concerns, ask questions and request information. As you reflect on his behavior, please consider that this is how the applicant is willing to conduct itself while it is trying to convince us that we can trust its experts and promises. Think back on how many times the Applicants' Counsel has flippantly responded to questions and



requests for information from concerned members of the community with the dismissive statement "We are under no obligation to provide you with..."

This repeated dismissal, on the level of contempt for members of the community, is instructive as to what you should expect when something inevitably goes wrong. When drive-thru traffic backs up on Speedwell, expect to hear from McDonald's that "We are under no obligation." When excessive noise from late-night drive-thru keeps Ms. Cecere up, expect to hear from McDonald's that "We are under no obligation."

Can I just make a final statement?

You are all long-term residents of this town; so am I. You are all intelligent and engaged citizens who care about this community's future. We implore you to look objectively at what McDonald's has provided and, more specifically, what they have specifically chosen not to produce. This application is a bad-faith effort to force through something that does not fit the space and does not fit the town using cherry-picked

data.

Thank you.

(Applause)

MR. IVEY: Mike Ivey, I-V-E-Y, 8  
Leamoor Drive.

M I C H A E L I V E Y, 8 Leamoore Drive,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. IVEY: Good evening.

As most of the comments have  
already addressed, I would like to, again,  
speak on the traffic Impact. When a resident  
of Dayton Road asked about a scenario where  
queuing blocks the entrance of the site, she  
was met with the response of "You are seeing a  
doomsday scenario. That is not reality."  
However, this is reality and that was the point  
that she was attempting to make. This was not  
only experienced by me last night at 5.15 but  
it was also noted in the 2011 study of the  
court. A "Don't Block the Box" was requested  
at Dayton, further indicating that this is an  
existing issue.

The lack of acknowledgment or  
understanding of the existing condition is

problematic and calls into question the assumptions and inputs utilized in the study and this is a gray area. We are accepting assumptions made by the applicant's traffic engineer, one who originally assumed that 85 percent of the passing-by traffic entering the site would be from the northbound side, a fairly outrageous assumption.

Do I think it's malicious? No. Do I believe that it's a strategy to put the onus on the town engineer to provide better assumptions? Possibly. But it certainly displays how assumptions vary from professional to professional.

During my questioning of the traffic engineer, I asked if a sensitivity analysis was performed, specifically trying to understand whether there was work done to understand how or if the results of the simulation change when the inputs and the assumptions are changed. Understanding how sensitive the results are to changes in the assumptions and inputs is critical for what amount of margins does the site design have? How many incorrect assumptions or changing

conditions exist before it fails traffic standards? We all heard the assumptions that went into this, the ITE trips for the site, the percent use of each driveway, which, conveniently, improved the gap-analysis results percent splits for pass-by ITE trips.

THE COURT REPORTER: I'm sorry. I have no idea what you're saying when you're slurring it all together so can you slow down a little? I know you guys are on a timed thing but I also have to get down what you're saying. I'm sorry; I'm sorry.

MR. IVEY: So, back to my original point, how sensitive is this driveway to changes in the assumptions? If new trips, favored vehicles coming from East Hanover Avenue, a realistic scenario instead of a 50-50 split, the gap analysis fails. While I am an engineer, no one needs a PE to analyze the simple math that goes into a gap analysis.

The level-of-service calculation does require software but, being that the grade is already just a sneeze away from being an F rating, you could also assume that it would fail that simulation as well.

Now, I understand that there are standard analyses done for traffic for these types of proceedings but this is a non-standard scenario with real ramifications, if the assumptions are not dead-on correct, resulting in an unsafe and inefficient driveway.

I would also implore you to assess the secondary impacts of a dysfunctional driveway disrupting the flow on Speedwell. Mountain Way to Franklin is becoming a cut-through road to get to the north side of town, bypassing Speedwell on the afternoons. I've used it to get home and I've used it during the p.m. rush to get to 53. There are many efforts within the town and beyond to manage the traffic issues from outside forces on Mountain, Dayton, Central Avenue and Collins. We have an opportunity to be proactive in this case.

My son just started school at Borough this year and could not wait to ride his bike back and forth along Mountain to Granniss. He now refuses to ride home from school without the crossing guards present because, he said, people driving just don't

care about his attempts to cross the roads.

While I'm happy he was able to recognize the danger, it's disheartening to think that our roads are said to be even less safe for our kids if we don't develop responsibly. I want to show my son that people do care. I want you to care. This traffic machine of unknown magnitude does not belong here and I ask that you vote accordingly.

Thank you.

(Applause)

MR. BREWER: State your name, spell your last and provide your address.

MS. BELLOMO: Olivia Bellomo,  
B-E-L- L-O-M-O, and I live on 34 Canfield Road.  
O L I V I A B O L L O M O, 34 Canfield Road,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MS. BELLOMO: Once again, hello.  
My name is Olivia Bellomo and I'm 19 years old.  
I live at 34 Canfield Road. All 19 years of my  
life, I've lived in this "Community of Caring,"  
making some of my first and best memories in my  
backyard with my family, friends, neighbors and  
pets, learning how to ride my bike down Dayton,

playing in the cul-de-sac and on the street with my friends, walking to and from borough school. These are some of the activities that will be stripped from the young kids in my neighborhood due to the potential safety hazard of a two-lane drive-thru.

It's important for me to speak on behalf of the kids in this town and, especially, the children of my neighborhood. Bike-riding around the block will become too dangerous. Playing in the street with friends and neighbors won't even be possible and walking to and from Borough School, forget about that ever happening safely.

It's also important to remember that these kids will grow up and get their license. My younger sister is currently learning how to drive and the traffic on Speedwell Avenue is the worst it's ever been. It's dangerous for her to try and turn off our street so think about how dangerous it will be once a fast food drive-thru is in place. This will have an extremely negative and dangerous effect in the future for the other kids learning how to drive on my street.

I would like you, as the Planning Board, to put yourselves in the position of us, the neighborhood who is going to be negatively affected by this the most. If we're called the "Community of Caring," why don't we care about all of the Morris Plains residents?

(Applause)

MS. BUCHMA: I'm Heather Buchma, B-U- C-H-M-A, and I live at 41 Franklin Place. H E A T H E R B U C H M A, 41 Franklin Place, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. BUCHMA: First, thank you for the opportunity to speak today. I am speaking to you as a resident and as a mom of two young children, one of whom walks daily to and from the school across the street from the proposed location. Like many others, I ask you to vote no.

My concerns stem from three key areas: The restaurant's location across the street from the schools, the shortage of parking being proposed and the potential backups and danger that could occur on Speedwell due to this high-traffic drive-thru.



I'd like to start with the significant safety concerns related to the proximity of a high-volume fast food establishment across the street from two schools. There will be an influx of cars, customers and delivery vehicles alike that create a dangerous intersection for our children. Situations like this are statistically proven to increase the potential for accidents.

Picture this: A kid has stayed late at Borough School for a club and is walking home after the crossing guards have gone for the day. Meanwhile, McDonald's patrons are pulling out of the driveway onto Speedwell, distracted by making sure all of their nuggets are accounted for, while a door dasher is simultaneously zipping in in that small opening to get into the intersection. It is vital that we prioritize the safety of our children over the convenience of a fast-food franchise.

There's also the well-established environmental and health risks, as spoken to by our second expert in testimony on Monday, and

the danger of that to our children.

I would also like to highlight the issue of parking and traffic. The proposal includes a lot that is not sufficient per our town ordinances. Since parking is limited, drivers will be forced to circulate the area, leading to more cars on side streets and a situation where frustration and haste could lead to poor decision-making. This is not just a minor inconvenience. It proposes real challenges and safety issues for our residents.

Furthermore, turning in and out of the McDonald's property on Speedwell will undoubtedly create significant traffic backups. With a major thoroughfare running through our community, we already experience congestion at peak hours. Adding 700 more vehicles turning in and out of a restaurant will exasperate the existing situation.

In conclusion, I urge you to reflect deeply on how the proposed McDonald's on Speedwell will affect our children's health and safety and the inevitable traffic backup and attempted cut-throughs on our beloved streets. It is essential to show that we

prioritize our community's values, safety and well-being above all else. Let us preserve the integrity and charm of Morris Plains and keep our children safe.

Thank you.

(Applause)

MS. LANDI: Clorinda Landi, 94 Littleton Road.  
C L O R I N D A L A N D I, 94 Littleton Road, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. LANDI: Considering all the compelling objections to this application, it's obvious that our community does not need the addition of a McDonald's drive-thru restaurant in the middle of our small downtown.

In the past, we have successfully argued against certain businesses trying to find a home in Morris Plains. It is my understanding that one such business withdrew its application because it had no interest in being where it was not wanted. This is not the case with McDonald's. It's evident; McDonald's has helped us by disrupting our community from demolition to 800 daily transactions with no

regard for its negative impact or public sentiment.

Although I'm neither a lawyer or an engineer, it seems to me that the application can be denied by not granting the numerous variances that have been requested or are required. I'm hopeful the possible threat of a lawsuit by this deep- pocketed corporation does not dissuade the Board from rejecting this application.

As a concerned resident and a member of the Morris Plains Beautification Committee, I believe that we can plant better trees.

Thank you.

(Applause)

MS. FETHERSTON: Good evening.  
Cynthia Fetherston, F-E-T-H-E-R-S-T-O-N, 5  
Courson Way.

C Y N T H I A F E T H E R S T O N, 5 Courson  
Way, Morris Plains, New Jersey, first having  
been duly sworn, testified as follows:

MS. FETHERSTON: I am not a public  
speaker. This is way out of my comfort zone  
but I want to thank all of our residents who

have worked tirelessly for the last several months to present you with alternate facts than what McDonald's has presented. I have stayed aware of what is going on. Due to personal commitments, I am not able to be here on Monday nights so tonight is a welcome change for me to be able to present my personal opinions on what impact McDonald's could have at this location to our town.

I don't think this is an appropriate location for them for a whole variety of reasons, many of which our residents have already informed you of. There's other locations here in town that would be much more suitable for their business plan and their business model and much more profitable for them. Why they are locked in this location? You may know. We do not.

There's significant traffic issues, safety issues, noise issues, odor issues that have not been addressed to, my opinion, sufficiently grant them the right to be here. All these are going to impact our town center, the residents in that neighborhood; of which, I'm not one. I live quite far away from them

but I've raised two children here.

My husband is a marathon runner and a half-marathon runner. My daughters are runners. Training on a treadmill is not the way you get ready for a race. Training on the streets or on trails is a great way. Unfortunately, walking and running -- my husband, who is 60 years old and a smart man, has almost been hit on Speedwell twice within the last year. The car stopped but the car behind him or the car behind that does not. Luckily, he's observant and careful and has avoided being hit both times.

Additional traffic and people being distracted is not going to enhance the walkability, the runability, the use of our downtown so I really don't think this is a good location for McDonald's.

If this application is approved by you, I would strongly hope that you find it in your hearts not to grant the variances that McDonald's has requested. They're not necessary.

The parking variance that they're requesting, spaces that have been part of the

zoning were put there for a reason. Our cars have gotten bigger. They're dealing with families who want to get strollers in and out of cars, seniors who need wheelchairs or walkers. It's not necessary for them to make their parking spaces smaller.

The additional signage they want, they're an international name. Every GPS, when you plug in a restaurant, pops up with "McDonald's." Signage is not necessary. A discreet sign on their building would suffice that.

The other thing that concerns me about their request for reduced parking spaces, they're a high-traffic business. If people don't have parking, where are they going to go to park? They're gonna park on the streets. It disrupts the neighborhood. They're going to park in neighboring businesses, disrupting businesses that are already an active part and welcome part of our community. They're going to park in our school parking lot, despite the fact that it's private property. Again, not ideal for our area.

I hope that you all find it in your

hearts to deny their application. They've given you wide-open windows to do so and I appreciate you listening to all the residents.

Thank you.

(Applause)

MR. BREWER: We'll take a break after you.

State your name, spell your last name, your address.

MR. BAXTER: Bruce Baxter,  
B-A-X-T-E- R, 8 Sunrise Drive.  
B R U C E B A X T E R, 8 Sunrise Drive, Morris  
Plains, New Jersey, first having been duly  
sworn, testified as follows:

MR. BAXTER: Nobody's paying me to lie. I have no reason to lie.

I live 1 and a half miles from the location in the section of town that is like a giant cul-de-sac away from 202, up on the hill.

From previous testimony, the liar and engineer -- oops. I mean "lawyer" and engineer, would like to have my testimony as irrelevant. I ask and refer to their comments to our expert testimony. What books and where did you get your education? Common sense. But



they don't have -- they don't live here and only care about their paycheck.

I'm new here. I've only been living here 25 years. I'm nobody. I have consistently voted for most of you people here on the Board -- telling new people to vote for Uncle Frank, as this place wouldn't be what it is without him -- people in your position that are supposed to have our backs and our best interests. I was very happy with my votes in this town up until the past couple of years of zoning changes. I really didn't mind looking down on the roof of Warner Lambert from my block. They were good neighbors and I kept my taxes low while donating to every local business and cause.

I don't claim to be educated or possess any degrees that some people here would make them think they are better than the rest of us. I do possess a U.S. DOT commercial driver's license to drive large vehicles like the ones you want to cross the width of four lanes and a sidewalk on a very busy residential pedestrian street in a residential area with a school and a church.

Ingress and egress of said location, I have actually driven a smaller trailer into the Friendly's location a few dozen times and it's very tight, even with an empty lot and a smaller trailer than the ones going to be needed on a daily basis before you add two drive-thru lanes and additional parking on both sides. This isn't Bayonne. Overflow parking isn't on Speedwell.

I'm no traffic expert but, in my 45-plus years driving in town, I do know a couple of things. The traffic has become a nightmare on 202. Traffic backs up for blocks over the whole length of town, sometimes all the way to Route 10, up 53 and past Speedwell Lake and I'm not even taking the traffic from Hanover Avenue. Forget about it. Exiting my neighborhood during the morning rush, Granniss backs up to and beyond the oldest tree in Morris County, sometimes past the waterfall by Sun Valley.

The countless people that have been hit by vehicles, even with the crosswalk lights at both ends of our, what, six- block downtown? People almost get run over daily, on a daily

basis, even using the provided flags to cross the street and crossing guards during school hours. Do you really think drivers are going to be suddenly -- suddenly courteous to allow the 1,600 more merges a day going in and out of the McDonald's, where the overflow from the drive-thru going to be on Speedwell?

More irrelevant facts: I used to live in a house on a main thoroughfare. They opened a Mickey D's two blocks, 2 miles, from my house. I had a real nice, visible yard that I meticulously maintained.

Opening day, I came home from work to a big garbage bag's worth of garbage on my lawn. After five days, I went to the restaurant and asked for the manager and returned their garbage to them. They offered me free food in exchange.

I did it again the following week and was visited by the local police chief, telling me they wanted to press charges as a terrorist for picking up their trash. I just wanted them to be aware.

I'll be one minute.

I just wanted them to be aware of

the garbage they caused and, if they kept the garbage out of my yard, I had no reason to frequent their store. I moved from that house. Now, the yard is an eyesore. I'm still out. Almost 50 years, I've never been to that store.

Sadly, I've also dealt with environmental impact studies. Seems as though people who pay for them usually receive their desired results.

That's it. Yeah.

Thank you.

(Applause)

MR. BREWER: Thank you.

We are going to take a break. We will come back at 9:15 sharp and everybody gets a chance to talk.

(Recess taken)

MR. BREWER: It's going to be three hours so let's go to 10:15 and, then, the applicant will do his final statement and, then, we'll consider it when it's on approval.

CHAIRPERSON McCLUSKEY: Yeah. Just please be respectful of the time so everyone gets a chance to speak.

MR. CECERE: I planned to. I pared

it down and I kept it well-phrased.

THE COURT REPORTER: But, at the same time, don't speed through it, because I'm writing down what you're saying and I'm sure you want everyone to know what you said, right?

MR. CECERE: My name is Michael John Cecere, C-E-C-E-R-E.

MR. BREWER: Address?

MR. CECERE: 11 Dayton Road.

MR. BREWER: Thank you.

MR. CECERE: Good evening and thank you all for allowing me this opportunity to speak here. I'm going to go off script for a second.

I just want to say that, when this first happened, Jill and I thought we were going to do this alone, maybe we could rope in, like, one other family or something. We had no idea that this was going to happen. We appreciate each and every one of you.

Jill and I have owned our house more than 30 years. Though it's close to the businesses in the B2 business zone, it's always been a relatively-quiet, safe neighborhood. We raised two children and, now, there are young

people in the neighborhood with kids of their own. I'd like to see them have the opportunity to enjoy living and raising their families in their own neighborhood just like Jill and I did.

And, at this time of year, normally devoted to preparing for the upcoming Holidays and getting together with friends and family, here we are, once again, in what seems to be a marathon of meetings to address and discuss the application for the demolition of two existing buildings and the construction of a brand new double drive-thru fast food restaurant.

I've been in attendance for most of the meetings. I've reviewed the plans, listened to the expert testimonies, discussed my concerns and objections with my wife and close friends and I want to emphasize this: That my objections are not against McDonald's, per se. It's against the double drive-thru restaurant that is being chosen. I've eaten at McDonald's many times and I object towards that double drive-thru.

I also object to the variances that they're requesting and a major variance that

they're never requesting. I stand before you in opposition to the applicant's proposal, primarily, for these reasons.

Understand, I did pair it down so I was going to talk a lot about safety but most of my neighbors have already shared personal and tragic experiences and I have some too that I could share, but I'm not going to because if it doesn't resonate by now, especially, from what Mr. Amoroso said, there's nothing I can say that's going to help.

The environmental impact in the residential neighborhood, yes, that has been addressed as well. In the beginning of this application process, we were assured that our concerns for such matters would be addressed by the experts and they weren't. Now, it's starting to get where people didn't really talk so much about things.

The variance for the "No Loading" zone, that's there for a reason. The requirement is there for a reason. That's to ensure that this process is carried out in a safe and consistent manner that will not have a negative impact on the surrounding area.

As it stands right now, the plan submitted, the operator, this future person that we don't even know yet of this proposed establishment -- to direct the truck driver to park right next to our house to unload if that is the best thing at that time. There's nothing we can do about it and I just want to remind you all that Friendly's did have a designated loading area on the much-smaller block. This is important because this hasn't really been discussed at all. No 18-wheelers on -- no 18 -- tractor-trailers on Dayton Road.

The applicant's proposal includes a single entry and exit on Speedwell Avenue and an exit only on Dayton Road. I'm putting everyone on notice, right now, that, as the owner of a property on Dayton Road, I expect the Borough of Morris Plains to continue to enforce all local ordinances on both, including the ordinance placing weight limits on vehicles using the Granniss, Canfield, Mountain Way, Sylvan, Towbridge, Washington, Mountain and, of course, Dayton and I realize that there are exceptions to that but I don't think that the applicant who at this business address would



apply. I don't think it would apply to that applicant.

When they do realize that they need the variance, I believe that they would be required to go before the Zoning Board. I'm not an expert on that. I don't know but I believe that that's the Board that would have to break that variance so pardon my cliché; I think it's time to go back to the old drawing board at this time or they need to pick a better location.

Another thing, it's a permitted use. The applicant's stated this. Kind of like a knee jerk, we have to respond several times while not answering questions from the public after his testimony. I lost -- like, at 10 times, I lost count. Yes, it's a drive-through. It is a permitted use of the B-2 business zone.

I'll keep going until, like, another 10 to 15 seconds.

There's one thing I did want to do. I'm going to jump right to the end.

You know what I want to know? Where is McDonald's corporate? Not once did

McDonald's corporate send a representative to these proceedings. They could have stood up and addressed the community, listened to our concerns and assured us that they wished to be partners with us. Now, I could be wrong. They could be here tonight. I'm not sure but, if they are here, shame on them and I retract what I said about not having a problem with McDonald's because that's cowardly.

(Applause)

MS. CECERE: Jill Cecere,  
C-E-C-E-R- E, 11 Dayton Road.  
J I L L C E C E R E, 11 Dayton Road, Morris  
Plains, New Jersey, first having been duly  
sworn, testified as follows:

MS. CECERE: I'd like to say this  
is not a fight against McDonald's. It is a  
fight against a non-existing, double  
drive-through fast food restaurant on Speedwell  
Avenue, particularly, on this lot that is  
adjacent to residential properties and  
addressed across the street from middle school,  
preschool, church and on an already-busy  
street.

I've lived here, in Morris Plains,

for 53 years, 32 of those years at my current home address on Dayton Road. In addition, I've worked in the school district for 23 years. My husband and I bought our current home to raise our family because we love this town. We love the small-town feel, the close-knit community and, yes, we were aware that we were buying a home next to a restaurant but not a drive-thru restaurant. Our children had a wonderful opportunity to grow up in our neighborhood, to play in the streets, ride their bikes, go down to Canfield Avenue -- that "Camp Kid" as they referred to it -- and they were safe. We are now the older people in the neighborhood and younger generations have moved in with their children and we love seeing that and we feel that they have the right to have the same quality of life and raise their children the same way we were allowed to during the years that we've been there.

Never did we believe that we would be standing in front of the town and having to place our arguments as to why having a double drive-thru fast food restaurant would be a substantial detriment to our property, our

neighborhood and our town but here we are.

I'm going to cut things.

We have been, time and time again, reminded that the application can't be denied based off of added traffic but we also know that there is a safety concern and, in fact, that could add to reasons for denial.

Anyone sitting on the Board with a clear conscience if they could believe that allowing this to pass would not be a substantial detriment to the public's safety and public good is unimaginable. During the application completeness process in August, it was questioned as to why the environmental impact study was waived by the Planning Board. Chairperson McCluskey stated that it was only for the application completeness only and it would be addressed later down the line in testimony. I've asked, personally, at two separate occasions and so have other residents, if there would be a study presented to the public and each time they were told no. I firmly believe that this was misled information that Ms. McCluskey, originally, based off of her original comment back in August.

In addition, we have been instructed numerous times that, during this ending public time, we would have time to ask any question regarding the application or comment about it and never once was there a time limit mentioned. I find this to be a direct insult to the community and it speaks volumes that some, possibly on the Board, have no interest in hearing legitimate concerns from the residents of Morris Plains.

I've cut more out because of my time.

If you allow this, with their delivery trucks in a tight back rear parking lot directly next to my property line, gone will be the days that I can be outside with my family enjoying a barbecue, gone will be the days I can have my windows open on a nice spring or fall day. I said, instead, we will be inhaling car exhaust, hearing cars idling, radios, people shouting at menu boards, horns honking, doors closing, deliveries and employees banging around carts, trash and recycling dumpsters slamming and I firmly believe this is a clear violation of the C2

variance that they are seeking.

McDonald's is also requesting a waiver regarding a loading dock because, as their experts testify, most McDonald's don't have them and that's fine for them to state but it's not fine for Morris Plains to say it is not needed, especially, at a non-existing business starting with a clean slate. They designed their application for optimal McDonald's design, not by Morris Plains' laws and regulations. Not only have their delivery trucks been made without the loading area but have also had their delivery trucks parked for, approximately, 45 minutes, twice a week, directly next to my property.

Thank you.

(Applause)

MR. BREWER: Will you state your name, spell your last and provide your address?

MS. DEVINE: Gail Devine,  
D-E-V-I-N- E, 91 Sun Valley Way.  
G A I L D E V I N E, 97 Sun Valley Way, Morris  
Plains, New Jersey, first having been duly  
sworn, testified as follows:

MS. DEVINE: My sister and I

prepared this -- before anyone might question that this is not my testimony -- but I am continuing hers.

Adding in the safety issues of having the deliveries and employees having to cross through the drive-thru lanes, in between cars with dollies and boxes, then, there is the fact that the 18- wheeler truck and garbage and recycling removal trucks will be exiting onto Dayton Road, which is prohibited. Yet, they feel they're entitled to.

Why the Planning Board has not addressed this blatant ignoring of a code that has been in place for decades and one that was always followed by Friendly's is incomprehensible and unacceptable. The codes are there for a reason, to keep the roads in good quality, to keep the neighborhoods safe. There's a reason those codes are there for those small streets and this is not acceptable. Why have ordinances in place if you're going to hand over any waivers to a currently non-existing business? Instead, hold them accountable and have them design their business to comply with all ordinances.

I'm under the belief that ordinances are in place to protect the safety, health and overall good of the community. Considering they will have an empty double lot to configure their fast food, double drive-thru restaurant, they could and should have easily come up with a design in which they would not be seeking these guarantees. Instead, they use the excuse: This is how McDonald's has always done it. It's not an acceptable excuse.

My question from the meeting last week -- sorry. My sister's question from the meeting last week, but I'm bringing it up -- regarding the placement of the dumpster was never truly answered. What I take from this is that McDonald's wants their garbage as far away from their building and placed as close to my sister's property as legally possible. Is having a dumpster filled with the world's largest fast food corporation's garbage in extreme close proximity to my backyard not considered substantial detriment?

McDonald's planner presented his justifications for the C2 variances being requested. He specifically stated, several



times, that the applicant advances the A, G and I uses. Not once did any Board member even question that. Should I assume that each of you have these purposes memorized?

In case you or any of the audience doesn't know what they are, I'll tell you: "To encourage" -- A, "to encourage municipal action to guide the appropriate use or development of all lands in the state in a manner which promote the public health, safety, morals and general welfare." How this was even, remotely, thought of as a bullet point in his argument is laughable.

G, "to provide significant space in appropriate locations for a variety of agricultural, residential, recreational, commercial, industrial uses and open space, both public and private, according to the respective environmental requirements in order to meet the needs of all New Jersey citizens." Again, really?

And, lastly, I, "to promote a desirable visual environment through creative development techniques and good civic design and arrangement." Please tell us how this is a

desirable visual environment for the town and the surrounding neighborhoods.

Please remember; this is their three bullet points that they feel justify their case. If, out of the 15 purposes they picked, these three are their strong points, it's obvious to us that they are grasping at straws. The property owner has never been held accountable for letting his property sit vacant and rotting After Friendly's closed down during the pandemic. There's been little to no effort to preserve, from my perspective, to fill the vacant building besides having the "Jeffery Realty" sign up.

We've contended with garbage blowing down the street from their garbage cans, pulling up to block the driveways, dog poop bags left from the overflow of these cans, their rotting fence falling into my property for years, which was only half replaced after I, personally, had to go to a town meeting in the spring and complain, rather than our town enforcing their own laws regarding maintenance and upkeep.

I think I don't need to use any

more time because it's just so obvious. It's so obvious this doesn't belong here.

Thank you.

(Applause)

MR. BIANCHI: Robert Bianchi,  
B-I-A- N-C-H-I, 11 Layer Drive, Morris Plains,  
New Jersey 11.

THE COURT REPORTER: I'm sorry.  
What was the street?

MR. BIANCHI: Layer Drive.

Because a lot of people would like  
that information, by the way.

R O B E R T B I A N C H I, 11 Layer Avenue,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. BIANCHI: And the reason I say  
that is because I come to you as a New Jersey  
Supreme Court certified criminal trial  
attorney, the former Morris County Prosecutor.  
As the Chief Law Enforcement --

You don't have to shake your head,  
Counselor. Please show some respect.

As the former Chief Law Enforcement  
Officer of this entire county, the jurisdiction  
over every police agency, I come to you, also,

as an Emergency Medical Technician. In other words, I'm not saying these reasons to pat myself on the back of the head.

I've been around to see catastrophic accidents. I've put people in state prison for many, many years because of death by auto, assault by auto. I've seen human factors analyses. I've dealt with every expert imaginable in traffic safety. This is a disaster waiting to happen. It is shocking to me and I just want to say to this Board --

By the way, I wish to thank you. There are some of you who might be questioning -- I'm not, necessarily, sure I'm going to agree with but there are people on this Board that are friends of mine or I consider I'm friendly with. They were, they are and they will be after this. This is about an argument that we deeply believe about the benefit of the community.

I don't live in this area. I live way down the road towards Route 10 but what concerns me is there seems to be a lack of evidence and the attorney here will tell you that you can rule based on evidence and a lack

of evidence and what do I mean by that? Where is the human factors analysis in this case? These are experts that talk about the interaction of people and machines and cars. They explain these very issues that we're talking about. They chose to waive this kind of expert testimony, not to put it on. We put expert testimony on and Tom Battagliese's testimony went in unrefuted, unrefuted. Now, there was an attack on our experts. I'm going to get to that in a minute but I wanted to say something that I've learned as a trial lawyer, as a prosecutor and as an emergency medical technician, which I will be doing tomorrow morning.

People get distracted. People are impatient. People don't follow the rules. People don't pay attention. People are sick. People are impaired. People are texting. These are all reasons I put people in state prison and all reasons I picked people off the street to the nurse, the emergency room doctor, that I had to take care of afterwards. This is a real thing and we have no human factors analysis. A traffic study is not enough.

Relying on just what they say is not enough.

Let's make no mistake about this; this business model is to drive every single person between Florham Park and Dover to Morris Plains. I'm going to ask you about expert testimony. Those are people that have information that's greater than the average person. The McDonald's people do not live in this community. You know who lives in the community? These people. These people are all experts. You know what they're experts in?

Like, I walked down the street in the summertime this summer and had to turn off Hanover Avenue because I couldn't talk to the person that was on the phone so I had to leisurely walk. The fumes from the traffic were choking me. This is not a joke and we're talking about accepting their estimates as they put out the clarion call to the rest of the communities to come to Morris Plains and all the commercial drivers that are going to be coming here. This is a disaster waiting to happen. There was no environmental study done. This is malfeasance.

I want to bring up two points and

I've got more points than that. It's really sad that we don't have a lot of time here.

One, we talked about Chick-fil-A. A lawyer brought it up. Chick-fil-A is a drive-thru nightmare. It's a drive-thru nightmare. If that were on Speedwell Avenue, we'd be in a lot of trouble.

Thank you for bringing that up.

But the other one is, Mr. Riley, who indicated, you get 10 experts, you get 10 different opinions, but we only have one and, again, it went uncontradicted. I am asking this Board, in this very short period of time to -- don't gamble with our welfare. You have not been given the proper expert testimony. It's not your fault. It's not your burden. It's their burden and they didn't do it and they didn't want you to see it all because it's a disaster. You all know what it is. It's going to be loud, noisy and, when you start to enforce it, our law enforcement assets are going to be depreciated and they're going to argue now and threaten prosecution and threaten the town. Don't gamble with our future.

There was an argument that our

experts had an interest. Well, they have a bias, certainly, in favor of the town. I did the research with a top-notch appellate lawyer that I knew as a trial lawyer.

I would have to submit, the system; they were let in, so it doesn't matter. You sought to keep them out and they were let in but you had then said to them, to your -- I want the people to understand that, not only are the experts allowed to be in, it may only go to their credibility, to their bias about being in favor of the town. I submit this as part of my statement.

Thank you.

(Applause)

MR. BATTAGLISE: Tom Battagliese,  
B- A-T-T-A-G-L-I-E-S-E. 2 Cutler Road.  
T H O M A S B A T T A G L I E S E, 2 Cutler  
Road, Morris Plains, New Jersey, first having  
been duly sworn, testified as follows:

MR. BATTAGLISE: I'm still under  
oath but this is not my expert testimony. That  
was Monday night.

Just to be clear, I am not against  
McDonald's. As I stated in one of the early



meetings, McDonald's provided me my first job back in high school. I am against the double-lane drive-thru that has been proposed for a multitude of reasons; yet, the site -- yet, the site is, unfortunately, zoned for a drive-thru restaurant at this time; however, as has been stated over and over -- except by the applicant -- just because the zoning is approved for such use does not imply automatic approval. The Board must weigh the positive and negative criteria and determine that the bulk variances proposed give benefits to the community and not to the applicant.

To that extent, during the past few months, it has been strongly proven that the site is not suitable for the size of the proposed operations. The variances requested to avoid a loading zone and shrink the required parking space numbers and size are the only way that this operation can fit into the space. Even the applicant has already admitted that, if those key variances on loading zone and parking spaces are not granted, they cannot fit the site as proposed. The variances requested would allow the creation of the double-lane

drive-thru and this would result in effects that negatively impact the welfare of the surrounding community, including against pedestrian safety, lot ingress and egress for truck movements and health and environmental impacts from idling vehicles in the drive-thru.

I have a brother that was struck by a car crossing a state road that cuts through a New Jersey university campus, not too much unlike New Jersey 202 cutting through our town.

He lives completely dependent with a traumatic brain injury to this day, nearly 30 years later. God forbid this happens to one of the borough's school kids who is dodging the cars entering and exiting the double-lane drive-thru or a truck turning on a radius with a deep intersection, where it is not designed to manage, towards the pedestrian crosswalk to get his or her McFlurry.

God forbid that the studies that I brought forward regarding the mobile air quality aspects are proven in much greater detail in the years to come after the drive-thru has been operated, only to find that some of our own residents develop respiratory

or cardiovascular disease or cancer given their proximity to the air emissions from a drive-thru that was approved without proper environmental performance standards.

The beneficial logic behind the reasoning provided as justification for the variances by the applicant's planner that they are providing commercial activity that is resilient to online retail eating up local businesses is completely bogus. They know and we know that any restaurant could fulfill that same positive benefit.

There is no debate. Granting variances to allow an undersized lot to squeeze in a double-lane drive-thru creates more negatives for Morris Plains than positives. When it came to reasoning behind why McDonald's needs all these variances, whether lot size, loading zone, lighting, signage, etc., they simply said the variances will allow them to meet McDonald's branding and typical store designs. Why would Morris Plains consider, even for a second, bending long-standing zoning and land development ordinances just so McDonald's can conform to its corporate design

expectations? The ordinances were created for clear-cut reasons and should only be deviated from when such deviations benefit the Morris Plains community and not the applicant. The MLUL delivers a clear responsibility for Planning Board members to vote against this development proposal that would create a site endorsed by variances with attributes that clearly provide more negative than positive criteria and, ultimately, take us in the opposite direction of the goals of the Morris Plains Master Plan on pedestrian safety, health and environment of downtown character.

I trust that the judgment of the Planning Board will prevail and recognize this reality and vote against this application. Let's wait for that right development proposal to come to the table and do what is right in the meantime for the future of our downtown Morris Plains and vote against approving the variances requested and, therefore, the application to develop this McDonald's operation.

Plant Better Trees.

(Applause)

MR. YARGER: Ronald Yarger,  
Y-A-R-G- E-R, 3 Thompson Way, Morris Plains.  
R O N A L D Y A R G E R, 3 Thompson Way,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. YARGER: I simply want to add  
my name and my voice to the many that you've  
heard tonight. By accepting this application,  
the borough takes on unnecessary risk to the  
pedestrians, to the residents, to the drivers  
who come down Speedwell. Please don't accept  
this.

I do want to thank you,  
nonetheless, for your service to the community  
and the borough of Morris Plains and for your  
dedication.

Thank you.

(Applause)

MR. BREWER: Thank you.

MR. DEMNITZ: Karl Demnitz, 23  
Academy.  
K A R L D E M N I T Z, 23 Academy Road, Morris  
Plains, New Jersey, first having been duly  
sworn, testified as follows:

MR. DEMNITZ: I just want to start

out by thanking everybody that's come to all these meetings and done most of the legwork that, frankly, I think most of you should have done. Mr. Palomo spoke the other night about kids playing on the street on Dayton. That was me and my friends. We played on Dayton every day we were out there on that street because it was safe and because we could there. Cars weren't coming down. The kids growing up on Dayton, Academy and Canfield are not going to get to do those same things.

Mr. Dennett, I don't know if you can believe this but we played Wiffle ball in that front yard of yours and the outfield was the home run. The street was the home run. You hit it on the street, you got to go on base.

The other thing I wanted to say, I went to Uncle Frank's Fishing Contest every year. I played Little League with your sons. You taught me how to do computers. I've shared a beer with you. You guys don't just represent us; you are us. Thank you so much.

The last thing I want to say is that I've had the absolute pleasure of teaching

in this community. I'm not fully-licensed yet; I'm working on it. I've worked at Joyful Moments. I've worked at Mountain Way. I've worked at Borough School. I also attended all three of those schools. Growing up, I've gotten to know a lot of kids and their families and a lot of them are here tonight and I really do not want to hear about a tragedy involving cars. It doesn't have to be somebody I know. It could be anybody but it would just be horrible. I know a lot of families in this town and they don't want to see anybody get hurt. Not to mention, that big, beautiful firetruck we have, how is it going to get down Speedwell when it's gridlocked? Think of those lives that are going to be lost. Not just kids getting hit by cars, people burning down buildings that the firetruck can't get to.

We need to plant better trees.

(Applause)

MR. DEVINE: Greg Devine,  
D-E-V-I-N- E.

THE COURT REPORTER: And your  
address, please?

MR. DEVINE: 91 Sun Valley Lane.

G R E G O R Y   D E V I N E, 91 Sun Valley Way,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MR. DEVINE: I'm just going to open  
up with, I thought there would be a need to  
articulate: This crowd is so impressive. It's  
been clearly articulated that there is a robust  
list of reasons beyond "I don't like  
drive-thrus" and "I don't want traffic in  
town." Put that in a bucket, seal it, put it  
away.

The other reasons that have been  
brought up and have not satisfactorily been  
addressed are some things that are tied to  
those two concepts but others aren't  
necessarily, safety. McDonald's volume, in  
particular, in this design with the condensed  
perimeter and the level of activity going in  
there and the proximity of a school, is  
certainly a factor; 700-plus flowing cars in  
and out and within the facility certainly  
increase the risk of danger, especially, when  
it crosses the school, to pedestrians. In  
fact, law firms have specialty practices  
related to in-drive-thru collisions and



injuries. It's a practice. It's going to happen. The metrics are there. I asked our expert if he had any idea of those metrics and he admitted that injuries may occur but McDonald's doesn't bother looking into it and the question is: I wonder why? I don't expect an answer.

In addition, the tractor-trailer that's going to try to navigate -- which was as big or seemed as big as the building itself -- and the awkward movement, tractor-trailers coming in and out of that facility, they have four main blind spots 20 feet in the front of the cab coming across from the school. The right side can extend up to two lanes wide for most of the truck plans. You know what that means? When it's making a right turn on Speedwell, the entire right side of the truck and the sidewalk are blind spots not able to see anyone. Left side, it's a bit narrower but it's important to know when merging left when the trailer's pulling in.

In addition, in the rear, the blind spot can extend up to 200 feet behind the truck so the maneuvering in and out of a drive-thru

facility in a condensed perimeter is absolutely ridiculous.

Additional reasons -- which I asked Counsel at the beginning of this process to articulate but, apparently, you couldn't do that because it would tamper with the objectivity of the Board -- there's conflicts, there's variances sought, parking and queuing issues, pedestrian safety, environmental noise concerns, impact on local ecosystem, community aesthetics, impact on the community character and sanitation concerns and a key point is proximity to sensitive facilities. This is from studies and publications. Locations that are listed are hospitals or elderly care facilities and locations near schools as a valid basis and, also, the economic business impact and failure to address concern so I look at this list and it seems like a slam dunk so I say to myself --

Oh, in addition to section -- the Ordinance 2205, a certain member of the Board, the only question that was really asked that I can remember from past meetings was an effort to rehabilitate a chink in the armor when there

was a case comparison to this and I'm going to be doing a public record search to find out if there's any deliberation, waivers or exceptions made beyond just reading of the letter of the law so that's going to be checked. Don't assume that ordinance doesn't apply.

So I said to myself, I've had the difficult job of being the attorney on the week of closing so I said "I'll probably open with some empathy." I'm a dad, husband, citizen. I got kids. I probably would even offer -- though, I didn't mean it -- some half-hearted apology to my friends and folks but I'd quickly pivot. Through the good and the bad, that there's a legal process. I would avoid, like a plague, anything other than permitted use and traffic can't be a reason for denial. I would, vaguely, but, clearly, articulate to the Board the threat of lawsuits and the cost.

Lastly, I'd like to make one sentence. This Board, if you vote yes, if you vote to approve, you have a choice. Your hands are untied. If you vote to deny, you have a valid basis. The cost of potentially fighting an appeal or a lawsuit versus the cost of the

damage that's going to be inflicted is minuscule so I kindly ask and I think it's imperative that you vote against this application.

Thank you.

(Applause)

MR. WENDRICK: My name is Bill. My name is Bill Wendrick. I live at 23 Dayton Road.

W I L L I A M W E N D R I C K, 23 Dayton Road, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. WENDRICK: I've lived on Dayton Road for 32 years. Raised children here. Many of my neighbors, on Dayton Road and beyond, have testified tonight, including my friends Jill and Mike Cecere.

Regarding the property owner, their rotting fence, falling into my neighbor's at 11 Dayton Road property for years, was only half replaced after my neighbor, personally, had to go to a town meeting in the spring and complain, rather than our town enforcing their own laws regarding maintaining an upkeep, not to mention the fence was replaced in July and

the old rotting fence has been sitting right outside my neighbor's living room window for the last five months and is still there today.

Also, garbage left outside by their dumpster enclosure, if anyone needs Christmas greenery decorations, there are still some laying in the parking lot. Still, no enforcement of laws.

My neighbor believes the owner selected the property because he has no personal interactions with the townspeople and with the hopes that, when he presented a proposal to the town, it would be eagerly accepted because they hear some people saying, quote, "It's better than a vacant business or building."

I would like to put on record that the realtor was advertising his property as, quote, "drive-thru restaurant opportunity with brandings that are very similar to McDonald's ten months, if not longer, prior to drive-thrus being a permitted use in the B2 business zone. My neighbor is confident, without any doubt, that allowing a double drive-thru fast food restaurant is inconsistent with the town's

Master Plan and granting these variances would set a negative precedent for future zoning decisions that would negatively impact the character of our town and the character of our neighborhood.

I would like to stress the fact that there has been no testimony as to who would be the property owner or the franchisee if this is passed. There has not been one McDonald's corporate representative to testify.

The property owner has never testified. Only three, quote, "experts" in the select field and an arrogant lawyer hired by McDonald's to present their one-sided arguments as to why you should grant them approval to their self-created hardship. If you choose to approve this application with all of its requested variances, you and only you, as a Board, will be held accountable when these things don't go as promised. There is no name or face associated with this application that will be in Morris Plains to deal with the after effects, only the Morris Plains residents.

All the while, you will be rewarding a negligent property owner and the

world's largest fast food corporation with no personal ties or connection to Morris Plains. They will be laughing all the way to the bank while we have to live, day and night, with what can only be called a living nightmare and substantial detriment to the public good.

Ever since this started, I started noticing McDonald's and where they are and I noticed their positions and I noticed I did not find one even close to a place like this with the two lanes, corner, two-lane roads, school, church, daycare, everything that my neighbors have pointed out over and over because I don't think it exists so let's not be the first.

Thank you.

(Applause)

M A U R E E N    F I T Z G E R A L D, 16 Sunrise Drive, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. FITZGERALD: I've lived in Morris Plains 15 years. I have three kids. I have two brand newly-hatched teenage drivers and so this is a cause for concern for me, personally, as it is. It adds a great worry to my life. I'm very happy for them but you can

relate; I'm sure and I do have a 12-year-old son who goes to Borough School and rides all over town on a bike or a scooter or whatever so I do have this personal feeling about, you know, my own kids first and then, by extension, every kid in this town because it's a great town to be a kid in so that is, you know, something that's first and foremost on my mind.

So, then, I think about, you know, things that have come up over the years that are sort of related to this. Maybe not exactly like this case but things that have happened in town that have gotten us talking as citizens and things that have, yes, created situations where you might have folks in favor of something and other folks not in favor of something. You think back over the years, just, discussions you've had with neighbors. I remember the storage unit, the proposed storage unit. That caused a lot of discussion. I remember the fragrance plant. That caused a lot of discussion. Even things like an extension onto a school where the taxpayers have to pay, it causes a discussion and I remember, in all those cases, there were camps



of people in favor of something and camps of people not in favor of something.

This stands out to me and I know this is a sweeping thing to say but this stands out to me as something that no one seems to be in favor of and that is a great concern to me and, also, a great concern to everybody here. There's also a phrase we use a lot. I use it a lot in my work and I'm sure a lot of people here do too. There's a phrase called "read the room." This is a read-the-room moment and I do feel, in this town, because people are such activists that, if people were in favor of this, they'd show up and they'd come and speak. I feel so strongly that they would. I don't think it's a coincidence that that hasn't happened in all of these hours and days that nobody has said, like, "Gosh. My kids love McDonald's. I think they go every day." Nobody has done that so I do hope that that is landing.

Another, sort of, last thing I want to say is: I spoke with my friend, Mr. Bianchi, here and he wanted to say -- and I agree with him -- the case refutes -- the

attorney, who misrepresented to the Board that there was a case that disallowed our community experts and that's having an irrevocable conflict, that's not true. If he misstated that to us, if he lied about that to us, what else should we trust?

We really have to consider everything we've heard and, more importantly, what we haven't heard so, again, I say I love this town. I love that I'm able to raise my kids in this town. I don't want to leave this town but this is really serious and, if you can remember a few words I've said far less elegantly than all of my friends and neighbors here, read the room.

Thank you.

(Applause)

MR. LICCARDO: Joe Liccardo,  
L-I-C-C- A-R-D-O. 21 Idlewild Drive.  
J O S E P H L I C C A R D O, 21 Idlewild  
Drive, Morris Plains, New Jersey, first having  
been duly sworn, testified as follows:

MR. LICCARDO: I'm a nine-year  
resident of Morris Plains. I spent the better  
part of the first half of this year with

experts trying to get variances approved to build a swimming pool in my backyard. As such, the burden of proof was on me that I would, not only, conform to the variances, permitting, drawings of experts but benefit my neighbors so, to do so, I added additional water containment to mitigate runoff from my property. For some reason, my house that I have was already over the allotment for impervious coverage. I want to add additional. I, not only, covered what I installed but made up the extent of the past. Why do I say this?

We are here, my neighbors and I, because we care about our community. I grew up and lived the first 29 years of my life in Hudson County, New Jersey, so, when you talk about Bayonne as an example, I will tell you; people live in Morris Plains because it's not Hudson County and it's not Bayonne. This is the "Community of Caring." That's why I'm here.

I have three children, the youngest of which is five weeks old, just left my wife with our children to come here because I was watching this online and I cannot sit by and

not express my thanks to my neighbors for being here through months and months of doing this because no one here in this community wants this and it's that simple and what far too often gets lost, this day and age, in public service, left, right, center, is that you're here to serve the public, not special interests, not corporations, but for the betterment of the public. We have a long memory. We care about our community.

I look around this room. There are many people that volunteer time, myself included, in sports, in youth programs and other things. We care about our neighbors. We care about living here and we want what's best for our community and this is not what's best for our community.

(Applause)

MS. SACKERMAN: Stephanie Sackerman, 21 Burch Drive.

S T E P H A N I E S A C K E R M A N, 21 Burch Drive, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. SACKERMAN: I had a very superstitious grandmother and one of the things

that she believed was that, when you're driving under an overpass and a train goes by overhead, you make a wish and I remember distinctly, in January of 2013, my husband and I were looking for our first home and having quite a difficult time and I was driving through Morris Plains and a train went by overhead and I made a wish and, five months later, we closed on our home on Burch Drive and it kind of became a little bit of an inside joke between my husband and I that we lived in a "Community of Caring" because my husband grew up in Kearney and --

So living in a small town that prided itself on fostering a quaint downtown and supporting local entrepreneurship and practicing really sweet traditions throughout the year, it just felt very, very special and, for the most part, since then, I really have felt like we've lived in a "Community of Caring."

I felt very cared about until now and I know that money talks and it can be loud but the members of the community are desperate for you to realize that we're talking too and we're talking because we can see, very clearly,

that this project is a catalyst for danger. It's dangerous to our youngest community members, our children and, as a mom to two boys, I have to speak to this.

This McDonald's, specifically, its proximity to our schools, is a hazard to our children. Without getting too technical, the prefrontal cortex of the brain is not fully developed in school-aged children. This area of the brain is responsible for impulse control, rational thinking, planning, being able to understand consequences. Simply put: Our children do not have these skills and, yet, they are going to be put into a situation where some of these skills will be called on every single day. With our town's limited busing, we are a community of walkers and drop-off and pick-off families and, because we've had to retrofit our system, the amount of children going to and leaving from the school by foot daily is huge.

What do you think is going to happen if there's a huge increase at a dangerous intersection when a third-grader sees his friend across the street? Do you think

that young child, whose brain is not fully formed, is going to have the wherewithal to stop and think before he lets his impulsivity take over? And what about half-days or, even, Fridays? I mean, have you seen the kids leaving the school buildings? The Mountain Way kids are running down the hill. The Borough kids are running down the street filled with excitement and without a care and that's the way it should be because they're kids.

What is going to happen when they decide to cross the busy street for a McFlurry?

We, as the adults, have the ability to see potential issues and dangers to control our impulsivity to just fill an empty building with something that has catastrophic future implications for our town and its people. We, as the adults, have an obligation to take care of our children.

When we voted you as representatives of our community, we entrusted you to do the responsible thing, to make decisions that will keep our community safe, to keep our children safe, especially, when they cannot do it on their own.

I cannot rely on a wish from the train for this one. I have to rely on you. Please hear a mother's plea. Please do the right thing. Hear the voice of those who trusted you to represent our best interest. We've said our piece and, when an accident happens -- because we can all see one happening -- it will be on your heads and hearts if we don't stop this project.

Thank you.

(Applause)

MR. HOUSTON: Bill Houston, 80 Glenbrook Road, H-O-U-S-T-O-N. W I L L I A M H O U S T O N, 80 Glenbrook Road, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MR. HOUSTON: I brought my big guns.

(Laughter)

MR. HOUSTON: To the members of the Planning Board, I want to thank you for all your time and consideration.

To the Borough Professionals and the Attorney, I want to thank you for your expertise and review of the application.



To the staff here at the Community Center and Paul, we all thank you for your time in setting up this and to the people of Morris Plains, especially, Joe Anoroso and Tom Battagliese, I want to thank you for your voices, your courage, your vigor, your expertise, your tenacity, your passion, your tears and, most of all, your hearts. You are what make Morris Plains the "Community of Caring."

In his opening statement, the applicant's attorney listed a few permitted uses in the B2 zone. I'd like to read some additional permitted uses: Art gallery, art studio, health care services, instructional schools, microbreweries, co-working offices and wineries. All of these uses are permitted uses in the B2 zone and all of them would provide an economic benefit to the borough. All of them would promote foot traffic, not car traffic. All of them would improve the value of the town.

This is not our first rodeo, either. We are very familiar with our town, our history and with a corporation that wants

to serve billions and billions but doesn't care about the few and we are a few. We are a proud few and we are a happy few. We are a band of brothers and sisters that always fights for what's right for our community.

The Community Vision Statement in our 2018 Master Plan Reexamination Report reads, quote, "Morris Plains is a safe, healthy and vibrant small town that seeks innovative and sustainable solutions to mitigate the impacts of future development on its roadways and infrastructure and, most importantly, maintain the small-town character of Morris Plains, which makes it such a desirable place to live," unquote.

To the voting members of the Planning Board: You've all raised your right hands and sworn an oath to the people of Morris Plains. The oath reads that you, quote, "Do solemnly swear that you will faithfully, impartially and justly perform all the duties of the office of the Planning Board to the best of your ability and that you will support the Constitution of the United States, the Constitution of the State of New Jersey and

that you will bear true faith and allegiance to the State and to the governments established in the United States and in this State under the authority of the people and that you will faithfully, impartially and justly perform all the duties of the office of the Planning Board according to the best of your ability, so help you God."

Everything we do as a community is driven by one core value: The "Community of Caring." This value is not just a belief. It guides the decisions we make every day to do what's best for our community and one another. We are a people-driven community where our whole is greater than the sum of our parts and our people are passionate about where they live. Representing Morris Plains requires individual excellence combined with the utmost respect for the community. That respect is shown by building relationships, a willingness to listen and learn and an openness to new and diverse ideas and perspectives. Our borough's strength comes from a commitment to listening and hearing our residents' voices.

You have a tough decision to make

but I would ask you to do what's right for your neighbors and your families. Do what's right for the "Community of Caring." Do what's right for Morris Plains.

Plant Better Trees.

(Applause)

MS. MURRAY: My name is Maureen Murray, 9 Cutler Drive.

M A U R E E N M U R R Y, 9 Cutler Drive,  
Morris Plains, New Jersey, first having been  
duly sworn, testified as follows:

MS. MURRAY: My wife Sue and I have lived here for 25 years and we're getting closer to retirement age. We're not as good at dodging cars anymore and, really, I consider us daredevils because that's what you have to be to get across Speedwell these days. You have to be a daredevil and we've been almost struck a couple of times. Our dog was almost hit and, the thing is, we love to walk.

We walk everywhere. We walk to Central Park. We walk by Sue's house. We see Frank at Dunkin' Donuts. We walk to Dunkin' Donuts to get our breakfast. I'm addicted to their coffee so are you but walking there has

become more dangerous, I'm afraid, and driving there.

The other day, I was trying to get out of the exit from Dunkin' Donuts and it was a nightmare. It was rush hour. I was trying to imagine; what's it going to be like when the Dunkin' Donuts exit is right next to the McDonald's entrance and there's only, maybe, two cars back up on Speedwell? We're going to be blocked, Frank. We're going to be blocked into the Dunkin' Donuts parking lot. Your coffee's going to get cold by the time you get out of Speedwell. Whether you're going right or left, you're going to be stuck there. I'm done.

So, you know, my aunt and uncle lived here for 50 years, the Rox (phonetic), Mary and Bob Rox, and they told Sue and I "You're going to be welcomed into this community and we were. Twenty- five years ago, when it wasn't as safe to be gay, we were welcomed into this community with open arms. Frank officiated our marriage ceremony; a lot of people don't know that and we want to be able to be safe here, as we always have been.

We want to be able to walk everywhere, to Central Park, to Arbors, to Dunkin' Donuts, without having to dodge cars and be afraid for our safety.

Those orange flags are useless. I think they -- people must think they're NASCAR flags, because they speed up when they see them. They ignore them or, the cars behind them, as some of our neighbors have said, they come around them and they go really fast and they don't care. They're anxious. They want to get to where they're going.

But I implore you all: Please think about the long-term residents and the kids and the new residents and the people that consider this to be the "Community of Caring". We just want to be safe and we're putting our faith in you so thank you.

(Applause)

MS. SCANLON: Tracy Scanlon, 8 Carlisle Avenue.

T R A C Y   S C A N L O N, 8 Carlisle Avenue, Morris Plains, New Jersey, first having been duly sworn, testified as follows:

MS. SCANLON: I've been very, very

busy and I haven't been able to come to the regular meetings but I wanted to make my voice heard because our family -- many of you know my husband. He was born here. He was raised here before we got married. He was very adamant about not leaving here because he wanted to raise his children here and I agreed to that and I'm very, very glad I agreed to that.

The community has -- like, I'm in a different generation. I see a lot of new faces here and this is great but my generation has gone. It's very much a "Community of Caring" and it takes a village and everybody, really, kind of helps each other and it's a great community.

I'm also a realtor in the area and I can honestly tell you that people are looking for Morris Plains. They want to move to Morris Plains because we are a small, tiny community, because you can walk down the streets and not be afraid, because your children can play and we don't have to worry.

I can also say that my husband and I have had a longstanding business in the community right on Speedwell Avenue and,

firsthand knowledge, people will come down Speedwell Avenue. We actually have an entrance from Speedwell and an entrance on the other side of the road on the other corner and people will come down Speedwell and they will use that as a cut-through. They will actually use it as a drive-thru So we had to actually block off that one entrance so people wouldn't be as reckless so people aren't reckless -- that's just -- they just aren't.

So I feel like, this community -- what the attorney had said before, the one that is representing the public -- that you're "putting a square peg in a round hole." It just doesn't fit. It just doesn't fit and I really think that I hope everybody else can raise their children here just like I did and God bless.

MR. VITOLLO:

Board members, first, on behalf of McDonald's, on behalf of the property owner and myself, we would like to thank you for your professionalism, for your patience and for your attention to this application.

Contrary to what some of the public



has said this evening, you are not elected officials. You've heard that a lot; "We elected you." You are appointed Board members and you do this on a voluntary basis and, frankly, some of the venom and hate that was directed to you this evening is unbecoming and, for someone who appears before these Boards for 25 years, I will tell you that it is one of the most difficult jobs in the world and we appreciate your attention to this process.

We also appreciate the public for coming out and we appreciate you participating in this process.

We learn something new on every application and this one was no different. We did our best, over the last couple months, to accommodate the concerns of the Board members, the Board professionals and the public.

Among the other concessions that we made on this application are:

Number one, we reduced the hours of operation for this restaurant.

We reduced the number of signs on the building.

We reconfigured the rear exit from

the property to prevent right turns.

We significantly enhanced the vegetative buffers on the property.

We upgraded the kitchen exhaust.

We agreed to construct a berm in the rear of the property.

We upgraded the exterior materials to brick.

We reconfigured the entrance to the property so it aligns better with the drive-thru.

We agreed to replace the internally-lit signs with signs illuminated with gooseneck lights.

We agreed to relocate and widen the crosswalk.

We agreed to install flashing beacons for pedestrians.

We agreed to accentuate better the directional markings on the pavement and we did agree, contrary to what you've heard before, to upgrade the dumpster area and cover it with a lock that is on a timer and that will always remain closed unless it's opened.

There were -- I misspoke when I

said it was on a timer. What I meant to say was that it had an automatic closing mechanism so it didn't remain open. That's what I meant to say.

There are more changes that we made to this application, Board members, but they were more technical in nature in that they were made in response to comment letters that we received from the professionals; however, as you know, we could not satisfy all of the demands made by the public.

For example, the members, certain members of the public and I will note there are 6,500 residents in Morris Plains. 6,300 are not here. We could not meet, as I said, all of the demands made by the public.

For example, certain members do not want a drive-thru at this location. We cannot agree to that because the McDonald's business model, which was significantly impacted by COVID, incorporates the use of a two-lane drive-thru, which is permitted under the Morris Plains Zoning Ordinance.

There are other residents who do not believe that this site is suitable for a

drive-thru restaurant. That is not an issue for this Board. That issue was decided by the Borough of Morris Plains when it rezoned this property and, by the way, all of the other properties in the business zone that allow drive-thru restaurants as well. This property was not spot-zoned for this restaurant. This Board cannot, through its decision-making process, rezone this property to make a restaurant with a drive-thru a prohibited use. You do not have the jurisdiction to do that.

With respect to the record -- and I would like to bring everyone back to the law and the record -- there is a lot of passion in this room on both sides but what we have to be guided by is the record. Patrick Moynihan was a long-serving senator from Massachusetts. He once said, "You are entitled to your own opinions but you are not entitled to your own facts."

Under the Municipal Land Use Law, in deciding this application, the Planning Board is bound by the facts as they are established in the plans for this project and through the testimony of the experts and

professionals that considered it. Planning Board members cannot, in judging this application, rely upon their personal experience, anecdotes, hunches or speculation. They can also not rely upon personal experiences, anecdotes, hunches or speculation from members of the public. They also cannot rely upon academic studies that have no merit on this site or this application nor should they be swayed by the dog whistle of a former police chief or lawyers who do not practice land use law.

Planning Board members must base their decisions upon the sworn testimony and competent evidence in the record. As Judge Menkowitz, who is the assignment judge for Morris County, recently held, quote, "It is essential that the Board's actions be grounded in evidence in the record. The Board must root their findings in substantiated proofs rather than unsupported allegations."

In this case, there is considerable un- rebutted evidence in the record proving the applicant's entitlement to the relief it seeks. Let's start with the variance to the loading

space. The applicant's traffic expert Craig Peregoy and the borough's traffic expert have over 50 years of combined experience in this field. Both men concluded that the site can safely accommodate the twice-per-week, off-peak deliveries proposed here. We submitted truck-turning templates showing how deliveries will occur and you heard hours of testimony in response to questions from the public on this subject. There is zero evidence in the record indicating that the delivery trucks will create an unsafe condition here. There was no study or modeling done to review the safety of the turning movements that we showed to you and proposed and no qualified expert could explain why this method for delivery works in all of McDonald's' tens of thousands of other restaurants but will not work here.

The plans for this project were reviewed by the fire department of the borough and with the addition of some striping, which we agreed to do, they were satisfied with the proposal and that it did not create an unsafe condition. The Morris Plains Police Department reviewed the plans for this project and

concluded that the proposed plans do not create an unsafe condition.

With respect to the parking variance, you heard from Mr. Peregoy that this site has more than sufficient parking to accommodate this size restaurant. The parking supply exceeds the average peak demand published by the ITE based on data collected at other fast food restaurants around the country.

If you recall, Mr. Peregoy also testified that this McDonald's location will have about the same number of parking spaces as another restaurant in New Jersey, it has three times the traffic volume and is a much bigger restaurant.

Regarding the size of the proposed parking stalls, Mr. Peregoy testified that the size of the stalls are the industry standard for this use and that they are sufficient for the types of vehicles that will be parking on the site. Neither the borough traffic engineer or the borough civil engineer disagreed with this.

We have asked for a variance for fence height. We intend to build a fence that

is eight feet rather than six feet, two feet taller than what is allowed. We are doing this to create a better buffer for the neighborhood.

Because we require the use of menu and ordering boards, we also requested a few sign variances.

We also need a variance because the "Golden Arches" are 3.5 feet high where 2 feet are permitted. These variances were proven and un-rebutted by Mr. Graviano, who applied the C2 bulk variance standards to the relief we sought.

Ladies and gentlemen, that's the evidence in the record from qualified experts on this application. The objectors, represented by Ms. Coomer, offered planning testimony from Mr. Steck. Mr. Steck admitted, on the record, that he had not read a single transcript or watched a single video of the extensive record in this case. Indeed, during his testimony, it became painfully clear that he lacked even a basic understanding of the variances sought and the facts in the record supporting it.

Moreover, Mr. Steck is not a civil



engineer, architect or traffic expert. He is a planner who must rely upon facts that are in the record. He cannot, as he tried to do in this case, make up his own facts. He is not qualified to testify about traffic. He is not qualified to testify about civil engineering. He is not qualified to testify about architecture; therefore, even if he read the transcripts -- which he admitted he did not -- his testimony cannot possibly be reliable because it does not rely upon any facts, only his uninformed speculation.

The other reported expert testimonies in the record were the presentations made by Mr. Amoroso and Mr. Battagliese. I think they're probably very nice guys and I think they got a lot of courage to come up here and try to give expert testimony. I don't hold that against them but, as I stated on Monday and was taken at issue, apparently, here, the Board cannot rely on the statements of expert testimony because both gentlemen have a personal interest in the outcome of this case. Even if they were not conflicted, neither one produced backup data

upon which their conclusions relied and neither modeled or tested the conclusions that our qualified experts entered into the record nor did, after their testimony, the Board engineer or traffic engineer change their opinions about this application.

Questions from the public about the timing of the zoning amendment allowing a drive-thru for this location or what the Borough Council members knew or didn't know at the time the rezoning was adopted is irrelevant to this application. This Board has no jurisdiction over the timing of the zoning amendment or who knew what when. That is not before this Board.

As you have heard more times than, I bet, you wanted to, drive-thru restaurants are a permitted use. By making that designation, the Borough Council already determined the suitability of this site from a location, traffic and Master Plan-consistency perspective. The idea that the Borough Council only intended drive-thru restaurants on one lot is a Red Herring. If the Borough Council wanted to regulate the size of the lots that

are allowed to accommodate a drive-thru, it would have done so in the zoning ordinance. The Council would have established a maximum lot size for this use but the Council didn't do that and this Board cannot amend the Borough zoning ordinance to make that change.

With respect to noise and sound, we described all of the equipment in our expert testimony that will be used on the site, including the menu boards and the exhaust scrubber. We will not get a certificate of occupancy -- if we are approved -- unless and until the Borough is satisfied that we comply with the performance standards for sound and odor, period. We have also offered to do a post-operation noise analysis to make sure that the sound generated by the order boards, deliveries and other operations meet the requirements of state and local noise ordinances. That will be in the resolution. We agree to do that.

Members of the public, tonight, on Monday night, last month, have insinuated that pedestrians and, particularly, children, will be injured or killed as a result of this

project. There is, ladies and gentlemen, no evidence in the record to support those claims; rather, McDonald's will be making improvements to the site and the road that will improve pedestrian safety.

For example, reducing the number of curb cuts on Speedwell Avenue from two to one is a very important safety improvement because there is one fewer pedestrian crossing on the site. The relocated and widened crosswalk, which was recommended by the Borough and supported by NJDOT, will make it safer. The pedestrian beacons that will be installed on the crosswalk will make it safer.

McDonald's and the property owner have the greatest interest in making sure that this site is safe and efficient. There was a remark before about McDonald's not being at these hearings. Eric Wagner from McDonald's Corporation, who is in the front row, has been at every single meeting of this Board, every single meeting.

Regarding McDonald's support for the local community and the greater community, just as an example, two days ago, local

McDonald's owners and operators presented a check for \$1.9 million to four Ronald McDonald House Organizations in the New York region, including the Ronald McDonald House of Central and Northern New Jersey. Their mission is to support critical services to local families whose children are receiving medical care at local hospitals. There are people in this room whose family members have benefited from the work of the Ronald McDonald House. As you heard in earlier testimony, it is common for McDonald's operators to engage with and fund local charities and non-profits and this restaurant will be no exception.

This location will also be the place where young people from Morris Plains and the surrounding towns will have their first jobs, as some in this audience acknowledged was their first job, and, contrary to what was said before, when there is emergencies and catastrophes, McDonald's has always stepped in the breach, providing food, money and volunteers for natural disasters.

Despite what national political leaders are trying to stuff down our throats,

this is not a black-and-white world. If you have breathed the air on this earth long enough, have a family, are married, just have pets, you know the world is gray.

The most successful projects are the ones where an applicant and neighbors open a dialogue and collaborate on what changes and revisions to a project can be made to try to address their concerns. From the first time the neighbors were introduced to this project and me, we extended our hand to meet to discuss this project. Nobody took us up on it, nobody. Instead, the neighbors and objectors have taken an all-or-nothing approach to this application and all-or-nothing approaches to these applications, in my experience, never really works.

Despite this, Board members, if the Board acts favorably on the application, we are still happy to sit with the neighbors and try to come up with some more common ground on this application. Over the past months of these hearings, there has been a great deal of passion on display on both sides of the application. I only wish that some of that

passion and energy were expended working together rather than engaging in arguments that appear to have driven the parties further apart.

Ladies and gentlemen of the Board, whatever happens this evening, we wish the Board, its professionals and members of the public, a very happy and healthy Holiday Season and New Year.

Thank you very much.

CHAIRPERSON McCLUSKEY: Before we get started on our deliberations, I have to have Karen certify that each one of the members who missed the meeting certified that they read the transcript. Is that so?

MS. COFFEY: Yes. And that's Mr. Augenblick, Mr. Garvaglia and Mr. Kelly.

CHAIRPERSON McCLUSKEY: Okay.

MS. COFFEY: And they were certified, signed and they read all of the transcripts and things.

CHAIRPERSON McCLUSKEY: Thank you.

So, I'm going to give this opportunity to -- obviously, to our Board members to make some comments.

Frank, do you want to start it off?

MR. DRUETZLER: Okay.

Before I start, was it Eric Wagner from McDonald's? I mean, I'd like you to stand up so people know who you are, really.

Thank you.

This is a tough. There's no question; this is a tough application. It has a lot of emotion and there's a lot of facts in here. A lot of public input and that is, I think, great. A lot of people beat up on the Planning Board but, I guess, that comes with the job. Let me just say this. Okay?

The use is allowed and, candidly, that's almost the entire ballgame. You don't want to hear it but I'm telling you; that is very factual and one thing I'm just going to say -- two things I'm going to say:

One, when they changed the zoning, okay, a lot of people got notices and only if 10 percent of you came to that Council meeting when they made those changes, we probably wouldn't be here.

MEMBER OF THE PUBLIC: We have kids.



MR. BREWER: If you're not -- if you are going to be disruptive, we'll have to ask for you to be removed. Okay? This is the opportunity for the Planning Board.

MR. DRUETZLER: The secret of zoning is very simple. You put into zoning law what you want, not what you don't want, simple as that, but the policy is made by the governing body, not this body. We are here to try to make -- I guess you would say -- a better application and I'm going back to traffic.

We always talk about traffic but, as our Board attorney also advised us, this Board does not have jurisdiction power to deny an application based upon increased traffic if it is a permitted use. That's a big strike, okay, on maybe denying this application.

I just want to point out a couple of things:

When Friendly's was there, they also made deliveries with a tractor-trailer and that tractor-trailer left the Dayton Road exit --

MEMBER OF THE PUBLIC: It never

did.

MEMBER OF THE PUBLIC: Never.

Never.

MR. DRUETZLER: As did -- I've seen it. As did trash trucks and as did a lot of the people who were customers. It was, like, come in Speedwell, go out on Dayton. Okay? That is what I, certainly, saw because I did go to Friendly's. They are, at least, limiting the exit.

9-by-18 parking spaces, that is a variance but I'm going to tell you; they're all over Morris Plains. From the public parking in Town Hall to downtown parking to City Med, you name it; they're all over.

They have a 25-foot buffer. There was no buffer before. I think that's so important, so important, and, just so you know, performance standards -- and that's very important but Chipotle and Chick-fil-A had to do them also and they were successful and we'll make sure -- our professionals will make sure that McDonald's can do that but I'm of the opinion that, if we deny the application, it will lead to a very costly court case, which we

cannot win.

Thank you.

CHAIRPERSON McCLUSKEY: Mayor Karr?

MAYOR KARR: Good evening, Members of the Planning Board, the current applicant and all members of the public here today.

First and foremost, I want to remind everyone that regardless of the outcome of today's vote, we're all friends, neighbors and residents of this wonderful community. Our shared goal, no matter the differing opinions, is to ensure the continued success and well-being of the place we call home.

I would like to comment on all the residents who have engaged in this process, whether through attending meetings, sharing your thoughts, asking important questions or offering suggestions. Your time, passion and commitment to this community are truly appreciated. This is the essence of what makes our community strong and vibrant. The Planning Board process has been in place for many years and it has consistently proven to be an effective way to work through complex decisions.

I want to take a moment to thank the Planning Board members for their dedication and volunteer service, the countless hours that have been put into reviewing this application, listening to feedback and considering all angles reflect their commitment to our shared values.

If this application is approved, I am confident that every piece of input from the residents, the applicants and Board members, alike, has been carefully considered.

Many thoughtful ideas have been brought forward, some of which have not been anticipated on the onset. With the back and forth, the questions asked, the ideas debated, this is all part of a healthy, successful planning process. It is through the collaboration and open dialogue that we arrive at the best possible outcomes.

If, however, this application is denied, we will continue to work together, as a community, to explore the future of this property. We remain a united community focused on thoughtful and respectful discourse.

It is important to clarify that, if

this application is approved, the applicant will be required to comply with all conditions of approval and all of us, residents, Board members and the applicant, have played a role in shaping these conditions. It is a collective effort that ensures the best outcome.

Lastly, regardless of how the vote turns out, I want to encourage everyone to continue to treat others with respect. Disagreement is natural but harassment and disrespect have no place in our community. We must be able to agree to disagree when necessary and recognize that our differences don't diminish our shared commitment to this community. We are all neighbors, friends, colleagues and, most importantly, a community that means so much to each and every one of us.

Thank you.

CHAIRPERSON McCLUSKEY: Mr. Kelly?

MR. KELLY: I was one of the members of the Master Planning Committee. We spent over two years trying to update and revise the application or whatever, the Board.

I have to say that the idea of a

drive- thru in this was one of the last things that was even mentioned in our review of the thing so it came up and the only thing that was mentioned was the possibility of banks or pharmacies. There never was a drive-thru restaurant brought up. In hindsight, perhaps, it should have been.

And I would like to say, though, and then use the applicant's attorney thing, it's easy to simplify this to a black-and-white issue. Say, yes, it's a restaurant and, yes, a drive-thru is permitted. From there, it didn't -- when you go beyond that, all the questions that you've raised, the information that you provided as far as what your concern or whatever is what goes into making the decision.

When this application came in, I asked the attorney on the first night: Was there any reason this application could be turned down? And what I was told yes; within the Board, we're not obligated to give them any of the variances they're asking for.

(Applause)

When you talk about a restaurant,

there's no precedence for what they're doing so, in defense of the Board, I said we didn't know what was coming and how could we? There's an application right now, when they first did it, about six months ago, I think there was one drive-thru. When I saw a revised plan, I think, now, they're proposing four or five drive-thrus in this application so this is something totally new.

The fact that you've come out, I think it speaks of the "Community of Caring" and I think that your questions and your concerns are actually viable information; they're facts. It's not hearsay. It's not emotion. You're the ones that live in this community and I do believe that we have a responsibility to the residents of the town in the decisions we make and we need to make the right decision and it doesn't come down to a simple basic rule; our planner told us.

We started talking about the things we didn't want in the town. I think a massage parlor was one, a tattoo shop was one, do we sell marijuana in the town and she pointed out, yes, we could prohibit those things within our

zoning laws but that doesn't mean someone can't come in and sue the town and say that it's prejudicial. She said that their decisions come down in the final analysis so, again, we're not obligated to vote or approve any of the variances.

I've been on both sides of the fence in 50 years of business. I've been an applicant where I've been turned down by a town, even though all of their experts recommended approval, so I was caught in the middle of it.

I compliment our applicant here, the attorney and their experts and I get it. Their only job is to seek approval for their client. They're not -- they're not obligated to listen to our concerns nor are they obligated to, necessarily, answer them and I think there are a lot of questions that were not answered and I can't explain why we didn't challenge them on some of the issues but I think that your interest and the information you're -- gives us information and the Board to whether we want to vote for or vote against it and it's well within our rights.



As far as whether or not we would -- if they take it to the court, I don't even think that's a question. We can't base a decision on a negative aspect of whether they're --

(Applause)

MR. KELLY: To what I would consider bullying.

MEMBER OF THE PUBLIC: Amen.

MR. KELLY: Like, again, I said, I think that McDonald's is a legitimate company. They've presented their -- their information and whatever to us and it's our decision to decide whether or not we want to allow it and, again, I think it comes down to some of the variances and we're not obligated to vote for them.

(Applause)

CHAIRPERSON McCLUSKEY: Ms. Kelly?

MS. KELLY: Excuse me. I don't know where to begin except to say thank you all for being here. You have asked hundreds and hundreds of questions. I have pages of notes. It amazes me to see so many of you out to do that and I thank you for doing that. I know

this is a hard decision for all of us. I think the most we've ever talked about among ourselves is right now.

The gentlemen before me have very well- prepared things to say. I feel like I am the new kid on the block but somebody said something -- I think it was you, Mr. Vitolo -- about not having made up my mind or our minds beforehand. I don't know how we could because there were so many questions. The speeches you gave this evening were also heart-wrenching sometimes. I hate to think that we are concerning just because children may be injured. I hate to keep saying that. It's been said so many times. I knock on wood every time somebody mentions it. Yes. We want it safe.

I know that the applicant has accommodated many concerns of the public. He listed them tonight when he was speaking. Those questions that you've asked, mostly -- mostly, were answered by the expert or Mr. Vitolo and I just -- no matter which way it goes, I have to agree with what has been said, especially by Mayor Karr, that we are still the "Community of Caring."

I know many of you people. I know many of your children. I've worked with them for years. This is my first experience being on this Board and it's unbelievable. There is so much to listen to, so much to think about and I just hope we all come to the right conclusion.

Thanks for everything.

MS. STECKERT: First off, I just want to thank everybody for joining us and being so passionate about this. This is a very complicated, emotion-filled decision for all of us. I have been in Morris Plains, almost exclusively, since 1986. I've had four houses in Morris Plains. I have three generations of my family in Morris Plains. I care deeply about what happens to this town.

Please don't think I'm an introverted person. Do not think that I have not been listening and taking notes and hearing what all of you are saying. The Planning Board has a challenge in front of us with a Master Plan that came to us. We've listened to all of the testimony. We've listened to all of the emotion. We've listened to all of the

perspectives here and I will say that we don't take this lightly and we'll see how this goes but thanks to everyone.

CHAIRPERSON McCLUSKEY: Mr. Bezold?

MR. BEZOLD: Guys, I really just want to say thank you to all of you. All of your comments were just heart-wrenching and you really put things in perspective for me. I had a lot of things to say but I'm going to keep it on the down low.

CHAIRPERSON McCLUSKEY: Mr. Garavaglia?

MR. GARAVAGLIA: So, this is a little unexpected for me so I don't have anything to compare it to, except --

MS. COFFEY: We can't hear you.

MR. GARAVAGLIA: So, again, this is a little unexpected for me so I wasn't prepared to have a speech for this group; however, I do want to thank the applicant. I do want to thank the public for coming out. I think that the input that we got from the public is very invaluable and I'm ready to vote.

CHAIRPERSON McCLUSKEY: Mr. Augenblick?

MR. AUGENBLICK: Thank you,  
everyone.

I really don't want to go any  
further and delineate what's already been said.  
It's redundant but I just want to say thank  
you, again.

CHAIRPERSON McCLUSKEY: Okay.

So I just want to correct the  
record, Mr. Kelly. Drive-thru restaurants were  
proposed for the B2 zone on the very first  
spreadsheet that the Master Plan Review  
Committee received from the Council Business  
Development Committee for the B2 zone. Okay?  
So that was back in November of 2021. The  
first spreadsheet that we got from that  
Business Development Committee had drive-thru  
restaurants permitted in the B2 zone. Okay?  
That's to correct the record.

Tonight is our seventh Planning  
Board meeting on this application and, up  
through and including tonight's meeting, over  
25 hours of testimony, questions and comments.  
I mean, that's a great thing. Please be proud  
of yourselves.

There's now been seven hours of

public comment and the Board respects the investment of time that the Borough residents have devoted to this application and the suggestions you made to improve the development, many of which, the applicant has agreed to. We have heard you.

Our professionals and employees have devoted an inordinate amount of time to be sure that all the Borough residents who wish are heard and our Planning Board members have done the same, both here, at the meetings, at home studying plans, reports and reviewing transcripts and thank you all for your dedication to the Borough.

This application and all applications before the Board cannot be determined by a popularity contest. The Planning Board is bound by certain regulations of the MLUL, the Master Plan and Borough ordinances. Our responsibility is to determine if the applicant met the burden of proof. Did the applicant prove that the deviations from the standards are not so unreasonable so we could not grant the variances or, maybe not, without harm to the public good? These are the

parameters that we have to use to reach a decision and I can assure you that every member of this Board takes these responsibilities very seriously.

This isn't easy. We're all volunteers. We all signed up for it. We're not complaining but it ain't easy.

Therefore, I make a motion that the Planning Board members approve application B-124, McDonald's USA, grant the requested variances and direct our attorney to prepare a resolution of approval to be read at the next Planning Board meeting on January 20th, 2025.

Roll call, please?

MR. BREWER: We need a second.

CHAIRPERSON McCLUSKEY: I need a second. I'm sorry.

(No response)

CHAIRPERSON McCLUSKEY: Is there a second?

MS. STECKERT: Second.

CHAIRPERSON McCLUSKEY: We have a second.

MS. COFFEY: Mr. Augenblick?

MR. AUGENBLICK: No.

MS. COFFEY: Mr. Garavaglia?

MR. GARAVAGLIA: So I have a statement, along with my vote:

Although this application is for a zoned property with an intended use of a drive-thru restaurant, in my opinion, based on the testimony, the proposed business does not logistically fit with the vision of our town. At a minimum, there are too many things, as presented, that need to run smoothly for this business to operate effectively on the proposed site.

In referencing the Borough Master Plan, the recirculation efforts underway to alleviate or reduce congestion to improve public safety will negatively be impacted with an approval, in my opinion.

In good faith and with integrity, I cannot support an approval and therefore vote no for this application.

(Applause)

MR. BEZOLD: As I stated, in the very beginning when we started this, I'm very concerned about the parking lot, the trucks coming in and out and my biggest priority is



safety. As all the residents know and many of you spoke about, we have a huge problem with the schools across the street and a lot of people are coming off Hanover Avenue and they choose to take Mountain Way and these are coming, Mountain Way to Glenbrook, to Franklin; they're coming up Hillview. They're doing whatever they can to get out of the chaos on Speedwell Avenue and, not only are they in front of schools, now they're going behind the schools. They're going in front of the park that we have back there, that, on a normal basis, there's a lot of children back there and a lot of adults too.

I also feel the parking lot is way too small. I never got real clarification on employees. I was told 10 to 13 employees, I think, but there's not enough parking for 10 to 13 employees plus all the traffic that's going to come through there.

So there's just many reasons but those are some of the few that I really am turning this down and I am voting no.

(Applause)

CHAIRPERSON McCLUSKEY: Cathie?

MS. KELLY: I also say yes. I think the applicant has proved the case many times over and over.

CHAIRPERSON McCLUSKEY: Mr. Kelly?

MR. KELLY: I don't believe the applicant complied with it. Whether it's a detriment or a positive aspect, I think it's overwhelming comments from the residents that it's a negative aspect.

I vote no.

(Applause)

MAYOR KARR: Based on the facts, I have to vote yes.

MR. DRUETZLER: Yes. I vote yes.

MEMBER OF THE PUBLIC: One more year.

CHAIRPERSON McCLUSKEY: Yes, I vote yes.

MEMBER OF THE PUBLIC: Disgrace.

CHAIRPERSON McCLUSKEY: The motion has been approved.

MEMBER OF THE PUBLIC: You had prepared speeches before the record was closed.

MEMBER OF THE PUBLIC: Are we still on the record?

MEMBER OF THE PUBLIC: Prepared  
speeches before it was closed. The record was  
not closed before that speech was done.  
Evidence.

MR. BREWER: Our next meeting will  
be held January 20th, January 20th, and it will  
be determined where the meeting will be .

(The hearing concluded at 11:04 p.m.)

C E R T I F I C A T E

I, ALISON GULINO, a Certified Court  
Reporter, Registered Professional Reporter and  
Notary Public of the State of New Jersey, do  
hereby state that the foregoing is a true and  
accurate verbatim transcript of my stenographic  
notes of the within proceedings, to the best of  
my ability.

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ALISON GULINO, CCR, RPR  
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