

MINUTES OF THE
REGULAR MEETING
OF THE LAND USE BOARD
MAY 2, 2017

THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON MAY 2, 2017, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

CHAIRMAN GEORGE KELMAN PRESIDED

Chairman Kelman called the Regular Meeting to order at 6:30 p.m., and the Acting Secretary announced that proper notice had been given by the posting of the Regular Meeting notice and by transmitting the notice of the meeting to the Courier News and the Star Ledger.

SALUTE TO THE FLAG

Everyone present participated in the Salute to the Flag.

ROLL CALL:

CHAIRMAN GEORGE KELMAN, Present
VICE-CHAIRMAN, TED CAMACHO, Present
JOE BARILLA, Present
COUNCILWOMAN DAYNA CAMACHO, Present
VACANT POSITION
RUDY NOWAK, Present
MAYOR RICHARD M. ONDERKO, Present
JIM POWERS, Present
DONALD QUICK, Absent
BRANDON AGANS, Alt. #1, Arrived at 6:50 p.m.
STEVE RODZINAK, Alt. #2, Absent
MICHAEL KASSICK, Alt. #4, Present
CHRISTOPHER M. CORSINI, ESQ., BOARD ATTORNEY, Present
STAN SCHREK, BOROUGH ENGINEER, Present

APPROVAL OF MINUTES

Chairman Kelman requested approval of the minutes of the Regular Meeting of April 4, 2017.

Rudy Nowak, seconded by Ted Camacho, made a motion to approve the minutes of April 4, 2017.

All present were in favor.

APPLICATIONS

A/ Request for extension of time:
Application #PB-16-01 - Georgos Kontos
Minor Subdivision; Bulk Variance
Block 68, Lots 54-61

Chairman Kelman requested that the applicants explain their issue.

Stanley Rizzolo, Esq. appeared on behalf of the applicant, and stated that he submitted a written request to the Board. He explained that he represented Eve and George Kontos, who are requesting an extension of time to file a map and perfect a subdivision which was granted in 2016.

Attorney Corsini stated that the Board has received Mr. Rizzolo's letter for an extension of time. He stated that the reasons and the Board's authority are contained in both Mr. Rizzolo's letter and the Memo he prepared for the Board. He suggested that Mr. Rizzolo give a brief explanation, since the standard to be applied was set forth in his Memo.

Mr. Rizzolo explained that his clients were under Contract with the Executor of the Estate of Woychio to purchase this property. He stated that the minor subdivision was granted by the Planning Board to divide the property into two buildable lots. He stated that it was granted with no objection, and at the time Mr. & Mrs. Kontos were not represented by Council on the application. He explained that a subdivision Deed was not presented for signature, and the filed map was not signed. It was not realized by either Attorney until Mrs. Kontos received a tax bill for the entire parcel. He stated that she questioned the Assessor, who noted that he had not received a subdivision Deed.

Chairman Kelman requested a motion to either approve or deny the request for an extension of time for 120 days.

Councilwoman Camacho, seconded by Jim Powers, made a motion to approve the extension of time.

ROLL CALL: AYES: BARILLA, CAMACHO, D, CAMACHO, T, KELMAN,
NOWAK, ONDERKO, POWERS, KASSICK

Attorney Corsini stated that a Resolution will be memorialized at the next meeting, and that is when the "clock" will start on the 120 days.

B/ Application #PB-17-04
Atilla Sabahoglu
Block 136.01; Lot 29.01, 1009 Roosevelt Avenue
Bulk Variances

Chairman Kelman requested that the applicant come forward to present his application.

Attorney Corsini noted that the application stated that it was marked as a Use Variance, however, it is a Bulk Variance, therefore, Councilwoman Camacho and Mayor Onderko may remain on the dais.

Atilla Sabahoglu, 1009 Roosevelt Avenue was sworn in by Attorney Corsini.

Mr. Sabahoglu stated that he has applied to create a two-family dwelling in his home, which is situated in the S-80 zone. He stated that the requirement is 8,000 square feet for a two-family home, and his lot is 7,959.03, which is one-half percent too small. He testified that he spoke to the Borough Engineer, who advised that he requires five parking spaces for a two-family dwelling. He stated he has presented signed and sealed surveys showing he has at least eight spaces, including the garage, therefore, there will be no substantial detriment to the public.

Engineer Schrek stated that Mr. Sabahoglu requires a variance for lot width. He explained that the S-80 zone requires 80 feet, measured perpendicular to the side yards, however, since he has a pie-shaped lot, the width at the back of the property is 65.2 feet. He stated that he is 41 square feet short of the requirement of 8,000 square feet.

Jim Powers asked if the applicant was creating a two-family or three-family dwelling. He also asked if Mr. Sabahoglu will be renting the whole house.

Mr. Sabahoglu stated it will be a two-family, and that there is a rear door to the property for access to the upstairs apartment. He stated that he will only be renting the third floor and half of the second floor. He explained it is a three-story house, and he lives downstairs. He stated he will rent the upstairs.

Chairman Kelman opened the public portion for questions regarding this application.

Joseph Demko, 36 Gladys Avenue - commented that they could not hear the testimony.

Attorney Corsini reminded the Board that the applicant is seeking a Bulk Variance and the Board should keep in mind the applicant must meet the positive and negative criteria. He asked that the Board frame its discussion on those terms.

When no one on the Board wished to comment or question the applicant further, Chairman Kelman requested a motion to either approve or deny the application.

Joe Barilla, seconded by Ted Camacho, made a motion to approve the application.

ROLL CALL: AYES:BARILLA, KELMAN, ONDERKO, KASSICK
 NAYES: CAMACHO, D*; CAMACHO, T., POWERS
 ABSTAIN: NOWAK

*Councilwoman Camacho stated she was voting no for not meeting the size requirement and the potential parking burden on the road.

Chairman Kelman stated that the application was approved.

Attorney Corsini stated that the Resolution will be memorialized at the next meeting.

Mark Manville, LLC
Block 82, Lot 42.01, 1 North Main Street
Preliminary Major Site Plan, Final Site Plan, Use Variance,
Bulk Variance, Conditional Use Approval

Chairman Kelman requested that the applicant come forward to continue their application which was carried from the April 4th meeting. He noted that Mayor Onderko and Councilwoman Camacho have left the dais.

John Wyciskala, Esq., Attorney for Mark Manville, LLC stated that his clients are the contract purchasers of the property at One North Main Street, currently known as the Chester House. He stated that this was technically the second hearing of the matter, and that all witnesses testified at the April 4th meeting. He stated explained the variances, noting the primary variance is the conditional use variance. He reminded the Board that retail convenience is a permitted use in the commercial zone, and that a gas station is a permitted use in the zone on a conditional use basis. He stated that the conditional use standard to be satisfied is a separation standard of 1,500 feet from a church, school, or other conditional use. He stated the other variance was related to the location of the fueling pumps to a public right-of-way. He explained that the actual fuel pumps are considerably further and beyond the minimum requirements, however the fuel overhead canopy falls within the setback.

Mr. Wyciskala briefly summarized the testimony provided by the Civil Engineer, Michael Jeitner of Bohler Engineering, who described the existing conditions and proposed site plans as well as the hours, number of employees, and deliveries. He stated that Mr. Jeitner provided a summary of the revised site plans which addressed comments from the Board and Somerset County. He noted that Somerset County recommended amending the driveway openings. He also stated that the truck loading, access, and fuel deliveries were amended in accordance with Board comments. He stated that Mr. Jeitner stated that the layout is safe and efficient, and he responded to comments from the public that the fuel pumps are set back sufficiently from the right-of-way and significantly set back from the roadway and the other existing and former fuel stations.

NOTE: Brandon Agans arrived at the meeting at this point, at approximately 6:50 p.m. from an earlier School Board meeting.

Mr. Wyciskala reviewed the testimony provided by Matt Seckler, Traffic Engineer, who testified as to the traffic impacts based upon a study prepared by his office. He stated that Mr. Seckler concluded that there is sufficient capacity in the local roadway network to handle this project, and explained the nature of “pass-by traffic” which means the vehicles are already in the flow of traffic on the road system, and it is not a destination site. He stated that Mr. Seckler concluded that the site layout and design is safe and efficient from a traffic safety prospective and testified that there is sufficient stacking and room on the local roads. Mr. Wyciskala stated that Mr. Seckler testified that the project will not have a detrimental impact on the church which is located most proximate, and also stated there would be no detrimental impact to the school located further down Brooks Boulevard. He stated that Mr. Seckler determined that trucks can access and circulate the site safely, and the overall design works from a traffic perspective.

Mr. Wyciskala review the testimony of John McDonough, the Professional Planner, who testified to the overall planning of the project and the variances. He stated that he addressed the conditional use variance and the standards regarding the 1,500 separation requirement. He stated that Mr. McDonough also testified regard the variance for two principal uses on one lot. Mr. Wyciskala noted that Mr. McDonough stated that 90% of convenience stores now have fuel, and it has become more of an accessory use, as they compliment one another. He stated that Mr. McDonough reviewed the positive and negative criteria in support of the variances. Mr. Wyciskala stated that Mr. McDonough concluded that sufficient proofs existing for the granting of the variance relief.

Mr. Wyciskala reminded the Board that revised plans were supplied prior to this meeting in response to Engineer Schrek's comments. He stated that the revised submittal included a 1,500-foot radius map, technical comments, and pavement details. He stated that another revised review letter was received from Mr. Schrek dated April 27, 2017, and in that letter he noted that there are still some open issues. He stated that they are technical comments, and he assured the Board that every comment in Mr. Schrek's report is acceptable to the client, and if the Board is inclined to grant approval, they will comply with all his suggestions for plan revisions. He stated that Mr. Schrek noted in his report that he reviewed the revised sign exhibit for the free-standing sign and found one additional variance regarding the clearance below the sign. He stated that the Ordinance requires a 10-foot clearance, however, the proposed sign is 7.5 feet. He requested that the Planner address the additional variance.

John McDonough, Professional Planner - stated that he reviewed Mr. Schrek's April 27th report and he is familiar with the sign clearance variance. He stated that this is regarding clearance from the base of the sign to the ground level from the bottom of the lowest panel. He stated that the benefit through the planning rationale is under the C-2 balancing test. He stated that the benefit is clear and safe identification of the site and roadside recognition to avoid sudden stops and movements and to provide information regarding the price indicators which are required to be prominent by law. He stated that the detriment is negligible since there are clear lines of site under the 7.5 foot clearance. He also noted that when they provide for street trees, they look for clearance of 7.5 feet so people can walk under them. He stated that they are in a landscape area, and not a pedestrian area, however it is compatible with a landscape tree area. He concluded that the variance is justifiable under C-2 since the benefits outweigh the detriments.

Mr. Wyciskala asked if the sign was in a site triangle.

Mr. McDonough stated that it is not, and this is a better zoning alternative, which is the essence of the C-2 test.

Mr. Wyciskala noted that there was discussion at the last meeting regarding other schools and churches proximate to the location and asked if Mr. McDonough has had the opportunity to review the revised plans with regard to the other schools and churches within a 1,500 foot radius, which is a considerable distance.

Mr. McDonough agreed that 1,500 feet is a big standard.

Mr. Wyciskala noted that if the 1,500-foot standard is applied, it would negate this use in a good part of downtown Manville.

Mr. McDonough stated with that separation standard it creates an almost unavoidable variance for this land use anywhere along the corridor.

Mr. Wyciskala asked if, in Mr. McDonough's opinion has changed in the appropriateness of the Board granting the conditional use variance.

Mr. McDonough stated that it does not change his position since the criteria remain the same and noted that it is not a question of whether the use belongs there or whether the site remains appropriate. He stated that the negative criteria relates to environmental safety, contamination, fire safety, explosions, traffic safety. He stated that they reviewed additional uses on the fringe of the 1,500 feet, and noted that they are not substantial impacts since they are further away than those he testified to. He concluded that the D-3 test is met with respect to schools, religious institutions, automotive facilities, and places of public assembly.

Engineer Schrek asked about the statute that requires pricing and if it was for all products on the site. He noted that the sign contains three grades of gasoline plus diesel. He asked that it be provided.

Mr. Wyciskala stated that they would find the regulation and provide it.

Mr. McDonough also noted that the clearance here is higher than what is at the Valero station.

Engineer Schrek added for the Board's reference that any traffic control sign adjacent to a sidewalk is 7 feet to the bottom of the sign.

Chairman Kelman opened the public portion for questions to the witness, only with regard to the two issues discussed.

Maria Janucik, 720 East Frech Avenue - asked for clarification of the two issues that the Planner discussed.

Mr. McDonough explained the issues again.

Engineer Schrek requested that Mr. McDonough indicate on Sheet 2 the areas of 1,500 radius. Sheet 2 was marked as Exhibit A8.

Mr. McDonough explained Exhibit A8, an aerial map overlay which showed schools, religious institutions, medical uses, parks, and other automotive uses within or near a 1,500-foot radius.

Mrs. Janucik mentioned the LukOil on Main Street, which the owner stated will be reopening soon.

Mr. Wyciskala stated that it is not in operation at this time.

Mr. McDonough stated that it is a much smaller site and an older facility which even if renovated will not have the mass of the proposed Royal Farms.

Chairman Kelman stated that LukOil is also within 1,500 feet of the school.

Mr. Wyciskala stated that the 1,500-foot standard is arcane and was put into place before safety and security standards were created by the DEP.

Mr. McDonough stated that the standards were created in the 1950's and are antiquated now. He stated that we don't have the fire hazards any longer. He spoke about the "gasoline alley" effect, which does not exist any longer.

Rich Martin, 710 South Main Street - asked about the original intent of the Ordinance of having a 1,500-foot distance from schools.

Mr. McDonough stated that it was environmental safety, fire safety, and traffic safety, which have all been eliminated by new standards.

Mr. Martin asked about the safety of children walking to and from school.

Mr. McDonough stated that the Traffic Engineer testified that there is nothing about this land use at this location that will create a dangerous or hazardous use for children.

Pat McGavisk, 321 Boesel Avenue - asked what time of day the traffic study was performed. She stated that there is no safety for the children in the town.

Mr. Wyciskala stated that extensive testimony was previously given and the reports are all on file.

Wes Taylor, 260 North 6th Avenue - stated that he lives within 1,500 feet and addressed his concerns regarding a fuel spill due to human error and the chance that ground water or the park could be affected.

Mr. McDonough stated that the facility is designed in compliance with DEP standards.

Mr. Taylor also asked about research regarding the proximity to the trains and their vibration.

Chairman Kelman stated that this question is outside the purview of the witness testimony.

Dean Shepard, P.O. Box 222 - stated that the original intent of the Ordinance is not a moot point. He stated that the Borough has more traffic, and he stated he sat in the Post Office parking lot when school let out to watch the way the children walk, and he sees a problem. He stated that he disagrees that it does not make a difference.

Mr. McDonough stated that the Traffic Engineer gave uncontroverted expert testimony on the record that this site will function safely and efficiently from a traffic standpoint, and also considering the surrounding neighborhood.

Mr. Shepard noted that there is no traffic generated by the current use. He noted that Quick Chek generates traffic.

Mr. Wyciskala stated that the testimony is based on the findings of our Traffic Engineer.

Mr. Shepard noted for the record that the LukOil station has been in Manville prior to the zoning ordinance, and according to the owner it will be open again soon.

Bashar Massey - 24 FINDERNE AVENUE, BRIDGEWATER

A discussion was held regarding whether Mr. Massey can make comment on the application due to proximity.

Mr. Massey asked the Planner if the application was approved and they were also approached by Quick Chek, if they would allow it.

It was determined that this was not a proper question.

Pat McGavisk, 321 Boesel Avenue - asked if the Borough had experts to provide testimony.

Chairman Kelman stated that the Borough relies on the Borough Engineer.

Engineer Schrek stated that his reports regarding this application are on file, and he relies on State Ordinances for review such as drainage; the tanks are set according to building codes. He stated that he has reviewed the Traffic Report and is in concurrence with the method used to prepare the report and the standards used regarding trip generation and parking counts. He stated that they also rely on the input of the Police Department.

Chairman Kelman stated that Engineer Schrek has drafted two very comprehensive reports dated January 3, 2017 and April 27, 2017 addressing all the issues presented by the experts.

Ruth Slovik, 1321 Green Street - asked if the sign only being 7.5 feet from the bottom will cause any visibility issues.

Mr. McDonough stated that it will not impede safe lines of sight at 7.5 feet.

Terri Babula - 245 North 3rd Avenue - stated that she is still having a hard time understanding the safety of the children.

Mr. McDonough stated that the test says can the relief be granted without substantial detriment to the public good. The application passes all tests, and the application does not want to put anyone in harm's way.

Ms. Babula asked about leaks that occurred at a Royal Farms in Maryland.

Mr. Wyciskala stated that there has been no affirmative testimony. He stated that it is hearsay to report something seen on the internet or newspaper. He assured everyone that many other vendors of gasoline have references to spills on the internet. He also commented that this facility will comply with the most recent regulations, which other stations may not be following since they are older and grandfathered.

Ms. Babula asked if there were additional regulations since the area is a flood zone.

Mr. McDonough stated that if the question was: "Will the project cause additional flooding to other properties within 1,500 feet?" the answer is no.

Cindy Pillsbury, 1310 Louis Street - commented regarding the underpass.

Attorney Corsini asked that Ms. Pillsbury reserve her comments to the public comment portion of the meeting. He promised that everyone would have an opportunity to comment.

Maria Janucik, 720 East Frech Avenue - commented that the answer to one of the questions asked was that there would be "no substantial detriment". She asked what the definition of that statement is. She also asked if the distance is less than 1,500 feet if it would be more of a detriment.

Mr. McDonough stated it is where you reach the tipping point where the detriments outweigh the benefits. He explained that it is put through a standard planning analysis, and it's a balancing of detriments vs. benefits. He added that the site will have some impact, however, it is not a basis for denial of a Use Variance. He stated that it would be if the impacts were so great that they outweigh any of the benefits. He stated this would be a positive repurposing of this site. He added that the distance does not change his conclusion. He also noted that the site is not zoned for a park; it is zoned for activity.

When no one else had questions for Mr. McDonough, Chairman Kelman closed the public portion for Planner questions. He asked Engineer Schrek if he had any additional comments with regard to his most recent report.

Engineer Schrek stated that the applicant indicated that they will comply with all comments made in his report. He noted that he met earlier with one of the staff Engineers, and they came to the same conclusion.

Mr. Wyciskala stipulated that with respect to Mr. Schrek's report of April 27, 2017, all outstanding Engineering and technical comments will be complied with. He also stated that he has nothing further to present at this time, but reserves the right to future rebuttal and closing.

Chairman Kelman stated that they are still waiting for a report from the Police Department, and therefore, part of this application will be carried to next month's meeting to address any concerns the Police may have with regard to the application.

Rudy Nowak commented that the 1,500 radius was adopted 70 years ago, and safety standards are more rigid today. He stated that you would not put a gas station next to a school, but asked, "At what radius would there be no danger?" He asked if there was any criteria available on a danger zone near a school.

Mr. Wyciskala stated that there is municipal zoning that do allow gas stations near schools, and he can think of several examples. He stated that there is a convenience store in Sparta with fueling directly across from a school. He stated that he can't answer Mr. Nowak's question, but will take it under advisement.

Chairman Kelman requested a five-minute break at approximately 7:43 p.m.

Chairman Kelman called the meeting back to order at 7:53 p.m., and opened the meeting for public comments. He asked the Board if they were in agreement to limit public comment to five minutes per person.

The Board agreed to a five-minute limit.

John Glutch, 710 South Main Street - read a lengthy letter containing his objections to the application. He provided a copy of the letter to each of the Board members and to Mr. Wyciskala. He also commented that the project was not advertised.

Mr. Wyciskala requested that the letter be marked as an Exhibit A-1.

Mr. Wyciskala stated that he certified that the legal notice was served and published in accordance with the Municipal Land Use Law.

Cindy Pillsbury, 1310 Louis Street - spoke about traffic in the area and the number of pedestrians.

Mary Tabbitt, owner of the Hair House on South Main Street - stated that she had not heard about this project and only found out accidentally. She stated that the Board should be working for the people of the town and not businesses.

Paul Chapkowski, 149 North 6th Avenue - stated he is a student at Manville High School and walks to school. He stated that traffic is a nightmare, and he sees people not following traffic regulations. He stated it will only increase.

Noel Chapkowski, 149 North 6th Avenue - he noted that in 2018, Somerset County is putting in trees on Main Street and asked if the traffic study took that into consideration.

Renata Gawronski, 59 Valerie Drive - commented that her daughters almost got hit by cars four times. She said an increase in traffic will make it worse.

Jenna Steinhauser, 158 South 13th Avenue - stated that she lived here for more than ten years, and she went to school here and almost got run over multiple times walking to ABIS and the High School. She said that those schools are not even close to Main Street. She feels it will be a problem for all the kids that walk to school. She noted that no one in the public has said that this is a good idea. She also stated that we already have a convenience store here, Quick Chek and another would be redundant.

Maria Janucik, 720 East Frech Avenue - mentioned the creation of jobs this project will create, but that there will not be enough parking for employees. She also stated that the zoning ordinance specifies the uses that are allowed and the Board must abide by the zoning ordinance. She read Article 7 of the Zoning Ordinance. She stated that Manville is a community and not a pass-through for trucks needing gas.

Dean Shepard, P.O. Box 222 - stated that the safety issue is a big concern due to the fact that vehicles will be entering and exiting continually. He stated that the Board members should monitor traffic, and stated that it is already a busy intersection. He stated both are intense uses, and he spoke about the Rutgers Study and the County Study. He stated that the Board should consider the best interests of the town, and once an approval is given, there's no going back.

William A. Slover, Esq. of the law firm of Lanciano and Associates, Attorney for Anthony and Anna Manna who owns the LukOil station on South Main Street. He stated that his client adopts and endorses all of the objections that have been made by citizens and business people. He added that Mr. Manna and his father bought the property in 1949. He explained that the Lease to LukOil was a ten-year lease, and the lease expired in December of 2016. He stated that the operation ceased in July 2016 due to environmental concerns, which have been addressed by the DEP and he has been told to expect a clearance letter. He stated that his client has two parties interested in purchasing the station as soon as the clearance letter is issued. He stated that he intends to sell the station as soon as it is cleared, and either potential buyer intends to refurbish and open the station. He also mentioned the 1,500 radius variance and stated that his client is opposed to granting this variance for personal and financial reasons as well as someone who has been in business at this location for 70 years is entitled to consideration in that regard. He reiterated that the station has not been abandoned, and Mr. & Mrs. Manna have no intention of abandoning the station.

Wes Taylor, 260 North 6th Avenue - spoke about developments in Somerset, such as Canal Walk, which create more people coming to WalMart. He stated that this creates more traffic and accidents. He mentioned Main Street being shut down by traffic issues which diverts traffic to other areas in Manville. He stated that he feels this project will create additional traffic and cause more accidents and backups that happen all over town. He noted the bridge construction on South Main Street, as well as the County Road Diet, which will reduce lanes and will not help with additional volume. He stated that our rush hour time will be increased with the same or more number of cars and only one lane in each direction.

Maureen Taylor, 260 North 6th Avenue - read her comments to save time. She stated that she has issues with several variances such as the 1,500-foot radius of the church. She stated that the fact that the applicant did not take into account the other schools and

businesses was intentional to minimize the impression on the community. She further commented that the project will put us in a weaker position to deny or limit requests against the ordinance in the future. She also commented on the employee parking spaces which will reduce the number below requirements and inconsistencies in the lighting, specifically foot-candle intrusion. She also mentioned that it was testified that dimming would not be possible due to safety. She spoke about human error, and requested a covenant in the case of a spill or contamination or technology malfunction. She further stated that the traffic study did not take Adesa into account, and it is misleading regarding the traffic created by Walmart. She stated that the entrance being located across from First Avenue will be an issue, especially during school times and church. She also expressed her concerns regarding the trucks that will be using the station for diesel fuel, Brooks Boulevard traffic, and safety of children. She stated that development is a good thing, however, this business model will be detrimental to the traffic problems, reduce the safety of pedestrians and school children, increase light pollution and put a strain on existing businesses in town resulting in more empty storefronts.

Dean Shepard, P.O. Box 222 - commented that the five-minute rule was not fair and the Board should allow extra time to residents. He stated that it was only 8:30 and he would like to poll the Board to allow additional time.

Chairman Kelman stated that they have been very liberal with their time tonight, and anyone is welcome to come forward at this time to make additional comments.

Mr. Shepard also added that Mark Manville will own the property, and Royal Farms will be a tenant. He stated that he is disappointed that no one from Royal Farms was available for questioning.

Mr. Wyciskala stated that he made clear that the Engineer would address operations on behalf of Royal Farms, which he did for at least 15-20 minutes regarding employees, truck deliveries, and operations. He also stated that there were representatives available should the Engineer not be able to answer any particular question.

Mr. Shepard stated that it should have been made clear that the Engineer was the only one to address operations questions. He stated that an operations manager should have been available to answer questions regarding smaller car carriers. He said his question is, "is this use the highest and best use for the property and still maintain the intent of the ordinance". He reiterated the intent of the Ordinance requiring 1,500 radius noting a school and a church are within those 1,500 feet. He stated that now without this use, there is a problem. He ended by stating he hopes everyone will come back next month for the vote on this application.

When no one else wished to comment, Chairman Kelman closed the public portion. He noted that the next meeting will be Tuesday, June 6th.

Mr. Wyciskala stated that he will defer until the next meeting after receipt of the Police Department report.

Joe Barilla requested additional exhibits for the Board: rendering southwest from North Main Street and Brooks Boulevard; additional traffic information including real numbers from another site similar to Manville. He stated that they are concerned about Adesa traffic and car carriers. He asked for a truck turning exhibit to demonstrate that those vehicles will be able to enter and exit the site and where the diesel pumps will be located.

Brandon Agans requested that the Board Attorney write a letter to the Chief of Police to assign an officer to the next meeting to address traffic questions.

Attorney Corsini stated he would contact the Police Department. He also announced that this application will be continued on Tuesday, June 6th at 6:30 p.m. with no further notice.

John Glutch, 710 South Main Street - asked if the residents can bring in their own planner.

Attorney Corsini stated that the time has passed for that.

NEW BUSINESS

Rudy Nowak questioned two members who have not attended a few meetings and asked at what point the Board can ask for their resignation.

Attorney Corsini stated he would look into it.

When no one else wished to comment, Chairman Kelman requested a motion to adjourn the meeting.

Ted Camacho, seconded by Michael Kassick, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 8:50 p.m.

ATTEST: Nancy Kagan, Board Secretary