

MINUTES OF THE
REGULAR MEETING
OF THE LAND USE BOARD
JULY 5, 2017

THE REGULAR MEETING OF THE LAND USE BOARD OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JULY 5, 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 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, Present
STEVE RODZINAK, Alt. #2, Present
MICHAEL KASSICK, Alt. #4, Absent
CHRISTOPHER M. CORSINI, ESQ., BOARD ATTORNEY, Present
STAN SCHREK, BOROUGH ENGINEER, Present

APPROVAL OF MINUTES

Chairman Kelman requested approval of the minutes of the Special Meeting of June 13, 2017.

Rudy Nowak, seconded by Joe Barilla, made a motion to approve the minutes of June 13, 2017.

All present were in favor.

RESOLUTION

- 1.) Request for Extension of Time
Application #PB-08-03 - Brook Townhouses, L.L.C.
Preliminary Major Site Plan; Final Site Plan
Block 42.01, Lot 1.03
Brooks Boulevard

Chairman Kelman requested a motion to adopt the Resolution.

Joe Barilla, seconded by Ted Camacho, made a motion to adopt the Resolution.

ROLL CALL: AYES: BARILLA, CAMACHO, KELMAN, NOWAK, ONDERKO,
POWERS, AGANS
ABSENT: QUICK, KASSICK

APPLICATIONS

- A/ Appeal of Application #PB-17-02
1419 West Camplain, LLC
Block 122, Lot 9, 1419 West Camplain Road
Use Variance

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

Edward Gorney, Esq., Attorney for the Applicant.

Attorney Corsini stated that he has reviewed the certified receipts, and they do not match the mailing list. He asked if Mr. Gorney had a check-off sheet that he could compare with the receipts. He stated that there are 31 mail receipts and 43 names on the listing, therefore, it appears that there is a discrepancy.

Mr. Gorney stated that he did, however, he did not have it with him. He suggested that we proceed with another application while he goes back to his office to retrieve the information.

Attorney Corsini advised the Chairman to proceed to the next Agenda item while Mr. Gorney returns to his office.

- B/ Application #PB-17-01 (continued from April 4th and May 2nd)
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

John Wyciskala, Esq., representing the Applicant noted that this was his third appearance in this matter. He stated that the entirety of the case was completed at the April 4th meeting, and a few additional items were addressed by the Planner on May 2nd. He stated that the Board heard some public comment, and noted that Mr. Barilla requested additional documentation. He stated that the Board has received amended

plans, and he will be recalling the Traffic Engineer, Matt Seckler to go over the changes made.

Matt Seckler, P.E., Traffic Engineer - referred to an architectural rendering prepared by Radcliff Architects dated June 23, 2017, which was marked Exhibit A-9, and it was based on the comments by a Board member to demonstrate the view of the building looking southbound from the intersection of Brooks and North Main Street. He stated that it shows the building, signage, and canopy, but it doesn't show the other buildings in the area. He described the rendering which shows what the exterior will look like at this angle.

Mr. Seckler also referred to sheet 4 of 26 of the Site Plan, last revised April 21, 2017 prepared by Bohler Engineering. He stated that at the last meeting, there was concern by members of the public regarding pedestrian safety, specifically school children. He stated that they visited the site and counted the number of children walking near the site on May 18th, May 19th, and June 14th to find out how to accommodate them. He stated that in the mornings, there were not many children walking, zero to five. In the afternoon there was an average of about fourteen children walking by during the peak hour. He stated that the children use Brooks Boulevard, cross, and walk down Main Street.

Chairman Kelman stated that there appears to be confusion as to whether or not there is a conditional use within 1,500 feet of schools and churches. He stated that he has interpreted the Ordinance to read that the only conditional use restriction is the distance of the pumps from the roadway and distance to any other gas station. He stated that it does not appear that the conditional use with regard to schools and churches applies in this application.

Mr. Seckler explained that they prepared a Pedestrian Connectivity Exhibit dated May 23, 2017 and marked A-10. He stated that they created an engineering solution to provide for pedestrian safety. He stated that they are connecting a sidewalk from Brooks Boulevard to the front of the store so that people can walk along the front of the store and across the crosswalk and the dead end parking aisle to North Main Street. He stated that children will be able to walk from Brooks Boulevard to the railroad tracks without crossing any driveway. He stated that this is unique since most of the other stores in town do not have this feature. He stated that this will not preclude pedestrians from walking around the outside.

Mr. Wyciskala noted that the closest school is Roosevelt School which is 933 feet from the site on Brooks Boulevard, and is on the other side of the Boulevard. He stated that there are sidewalks on the school side which allows pedestrian access.

Mr. Seckler again noted that pedestrians must walk across the driveways for Quick Chek and the Post Office, however, they are providing access from Brooks Boulevard to Main Street without the need to cross a driveway.

Engineer Stan Schrek noted that the inlet adjacent to the ADA ramp would have to be moved.

Mr. Seckler stated that the inlet in the south-most area next to the dumpster will be moved. He reiterated that this was a unique solution, and many other sites don't allow pedestrians to bypass a driveway. He also noted that they performed counts at a Royal Farms of a similar size and in a similar area.

Engineer Schrek also noted that the proposed sidewalk is adjacent to proposed seating. He stated that there doesn't seem to be much room for pedestrians.

Mr. Seckler stated that there will also be access in the rear of the building.

Mr. Schrek noted that there are bollards in front of the parking spaces adjacent to the vestibule so pedestrians will have to walk around the tables, through the door, and out the other side.

Mr. Seckler and Mr. Schrek discussed the placement of the sidewalk.

Mr. Seckler stated that the Board also requested that other sites be observed to ascertain the number of cars coming in to determine if this site is appropriate and consistent with other sites. He stated that they visited a site in Aston, Pennsylvania near Chester. He stated this site was chosen because it has similar roadway characteristics. He stated that it carries about 19,000 cars per day, and Manville carries 20,000 to 22,000 per day. He stated it is located near an interstate highway (I-95), state highway, and an intermodal depot similar to Adesa. He stated that they counted during the morning peak hour 177 trips, and they have estimated 170 for this site. He stated that during the evening peak hour, the site had 188 trips, and they have estimated 212. He stated that the Pennsylvania site is slightly larger, so the site in Manville would be more conservative. He stated that they also did counts during lunchtime peak and school dismissal times. He reported that this site generated less traffic during lunch and school dismissal than during the morning and evening peak times, therefore, they studied during the top time periods of use.

Mr. Seckler also stated that they have received an updated County review letter dated June 26, 2017. He noted that the County has emphasized that the truck templates provided will not conflict with the proposed or current design of North Main Street.

Mr. Seckler also referred to the Conditional Use Conformance Map - marked A-11, dated June 12, 2017. He noted that although the Chairman stated he does not believe the variance is necessary for schools or churches, the map shows the separation distances from public garages, motor vehicle service stations, schools, hospitals, and recreational areas. He stated that there are no lots available in the business district that would not be in violation of the conditional use criteria. He stated that there is no potential to move the site to any other location to relieve the conditional use.

Mr. Seckler testified that they investigated other convenience stores located near schools. He stated that the Board members had questions about what a safe distance is from a school. He stated that he knows of two sites that he has worked on: a Quick-Chek in White and a Quick-Chek in Sparta located immediately across the street from schools. He stated there have been no issues at either location. He also mentioned

Wawas in Pennsauken and Camden that are located within a quarter mile or less of a school and have no issues.

Chairman Kelman opened the public portion for questions to Mr. Seckler.

John Glutch, 701 South Main Street - commented that kids will not use the sidewalks. He also asked how the Police will control the trucks.

Cassandra Russell, 100 Brooks Boulevard - stated she observes pedestrian traffic all the time, and she asked how many people actually walked around the building. She stated that people don't go around the front unless they are walking down Main Street already. She stated that the numbers are low and accurate because most of the traffic does not walk down Main Street, so they wouldn't be crossing either one of the driveways. She stated she doesn't see a problem, and she thinks the sidewalk will be used. She asked how many people actually walked around.

Mr. Seckler stated that when they were out there observing, a number of people did cut through the site, and others walked around the site.

Ryan Ramsey, 710 South Main Street - asked Mr. Seckler to show how the gasoline delivery trucks will be entering and exiting the property.

Chairman Kelman stated that questions are limited to the testimony given tonight, and that information was already covered at an earlier meeting.

Mr. Seckler stated that there has been no change to the truck turning templates previously provided and testified to.

Dean Shepard, P.O. Box 222 - had a question regarding the interpretation of the variance as to churches and schools.

Chairman Kelman explained that Section 712.2b deals with conditional uses in Section 606.3-6 and 606.3-7, refers to 1,500 feet of a school, church, etc. However, he noted that 606.3-6 refers to indoor entertainment for profit, and 606.3-7 refers to bars, taverns, and other establishments. He stated that service stations are not listed in the conditional uses under Section 712.

A discussion was held regarding interpretation of these sections of the Ordinance.

Mr. Wyciskala stated that they proceeded with an abundance of caution requesting the conditional use variance relief, as well as the other variances.

Mr. Shepard also had questions regarding the sidewalk, and the proposal to place the sidewalk behind the building. He suggested that it will create a problem of an alleyway.

Mr. Wyciskala stated that they are not looking to create an alleyway or any dangerous conditions, and any sidewalks will be maintained. He stated that they are just trying to create a safe environment for pedestrians.

Mr. Shepard also commented on the statements made regarding the conditional use of 1,500 feet and that there would be no properties in the commercial zone that would comply. He asked what that had to do with this application.

Mr. Wyciskala explained that the point of the exhibit was that the Ordinance allows motor vehicle stations as a conditional use, when in fact they would be an outright prohibition that is contrary to the Municipal Land Use Law and the case law supporting it. He noted that they are seeking a variance in that regard. He stated that the exhibit demonstrates that a motor vehicle station could not be placed anywhere.

When no one else wished to comment, Chairman Kelman closed the public portion for questions to Mr. Seckler.

Chairman Kelman noted that the Board has requested that the Police Department provide an Officer who can answer questions regarding the traffic issues raised by the public. He introduced Sgt. Jeffrey Petrone who was sworn in by Attorney Corsini.

Sgt. Jeffrey Petrone, testified that the Police Department has reviewed all the information and plans regarding this application.

Chairman Kelman asked Sgt. Petrone if he has reached a determination as to whether there are any concerns with regard to traffic or pedestrian safety issues.

Sgt. Petrone stated that any concerns the Police Department had were discussed with Stan Schrek, who conveyed the concerns to Royal Farms. He stated that all appropriate corrections were made.

Rudy Nowak asked Sgt. Petrone about the weight limit on Brooks Boulevard.

Sgt. Petrone stated that there is a four-ton weight limit starting at First Avenue, with the exception of deliveries being made to businesses.

Mr. Nowak asked the weight of a loaded gasoline truck.

Mr. Seckler stated that a loaded gasoline truck would most likely be over four tons, however, their trucks will not be traveling on Brooks Boulevard.

Jim Powers asked Sgt. Petrone if there will be a prohibition for tractor trailers purchasing fuel at this location.

Sgt. Petrone stated he knows of no prohibition.

Rudy Nowak asked Sgt. Petrone about the dangers to pedestrians.

Sgt. Petrone stated that there is no danger as long as the children and drivers are following the law and walking/driving properly.

Chairman Kelman opened the public portion for questions to Sgt. Petrone.

John Glutch, 710 South Main Street - asked Sgt. Petrone how the Police Department will handle the extra traffic, diesel sales, car carriers and trucks sticking out into the road when cars are stacked at the pumps. Mr. Glutch produced two photographs of car carriers, which were marked as Exhibit O-2.

Sgt. Petrone asked Mr. Glutch how he handles the situation at his gas station.

Mr. Glutch noted that he does not sell diesel, and they request that the fuel trucks arrive before 6:00.

Sgt. Petrone noted that some car carriers are gas powered and not diesel. He also stated that it will depend on the situation at the time. He stated that there is no way to control who pulls into the site for gas.

Mr. Glutch stated that he was concerned about auction days when cars are stacked and car carriers try to turn in to get fuel.

Sgt. Petrone stated that he understands his concerns, however, even when Lukoil was operating, he did not see car carriers filling up with diesel.

Chairman Kelman stated that Lukoil did sell diesel fuel, and he asked Sgt. Petrone if he is aware of any incidents of a truck or trailer hanging out onto Main Street waiting to receive diesel fuel.

Sgt. Petrone stated not to his knowledge.

Attorney Corsini clarified with Sgt. Petrone that the issues to which Mr. Glutch is referring would be enforcement issues.

Chairman Kelman asked if Sgt. Petrone reviewed the turning templates provided by the Applicant and approved by the County with regard to trucks blocking or turning into the oncoming lane at the Brooks Boulevard exit.

Sgt. Petrone stated that he reviewed the templates with the Chief, Captain and Lieutenant.

Chairman Kelman asked if the members of the Police Department in reviewing the templates saw anything to cause concern for potential traffic hazards when the drivers were obeying the law.

Sgt. Petrone stated they did not.

Rich Martin, 710 South Main Street - stated he was concerned that convenience stores with gas stations are known hangouts for criminals. He asked how the Police will provide enough protection for the safety of the public at this location.

Sgt. Petrone stated they will be doing nothing different than is already being done. He stated that they patrol and respond, and that they are proactive and reactive. He stated that the proposed site will be no different than Quick Chek.

Mr. Martin also asked how the Police would handle a major disaster such as a gasoline leak, major fire, environmental catastrophe, etc.

Chairman Kelman and Attorney Corsini stated that the question is out of the scope of the witness's testimony, nor does he have special knowledge regarding those situations.

Louis Ramirez, 156 South 19th Avenue - stated that he is a truck driver, and he knows that a truck would take up both lanes when turning onto Brooks Boulevard.

Attorney Corsini reminded Mr. Ramirez that this portion of the meeting was for questions to Sgt. Petrone, and comments could be made later in the meeting.

Dean Shepard, P.O. Box 222 - asked Sgt. Petrone to indicate on the truck templates how a tractor trailer will travel through the property and whether it will work for trucks over four tons. He stated that he wants to see the updated truck travel templates. He stated he had questions regarding trucks delivering fuel.

Mr. Seckler produced a map showing tractor trailer maneuvering, and he indicated the location of the pumps on the map.

Mr. Shepard asked Sgt. Petrone if he reviewed how the truck will be entering and delivering fuel.

Sgt. Petrone stated that they did review the templates, and he met Mr. Shepard at the map to answer his questions.

Mr. Wyciskala asked that Mr. Seckler also join them at the map, and he reminded the Board that they have stipulated that deliveries will not occur during rush hours.

Sgt. Petrone stated that was one of the recommendations from the Police Department.

Mr. Seckler explained how trucks would circulate on the property when delivering fuel while demonstrating on the map, and indicating that deliveries would occur during non-peak hours.

Sgt. Petrone stated that the truck may encroach into oncoming traffic, but will occur during off-peak hours. He stated it was no different than Quick Chek receiving deliveries.

Mr. Shepard had more questions about truck deliveries and traffic backups on the site and on Brooks Boulevard.

Sgt. Petrone noted that the truck drivers are professional drivers, and many have spotless driving records.

Mr. Shepard stated that he is more concerned with pickups hauling three cars, who are not professional drivers, and who don't care. He stated that they will pull in and block

the entrances and exits. He stated he's concerned with people trying to make a left into the site when traffic is backed up on Brooks Boulevard.

Maureen Taylor, 260 North 6th Avenue - asked Sgt. Petrone if there are Ordinances which prevent trucks from delivering fuel during peak hours.

Sgt. Petrone stated that there is nothing to prevent it in the Ordinance, however, the Planning Board can put restrictions on deliveries. He stated that the Police Department made a recommendation on the best interests of the town to alleviate traffic, and it is up to the Board to institute it as part of the plan.

Mrs. Taylor asked if there would be fine for trucks coming during those hours.

Attorney Corsini stated that it would be a condition of the approval, and failure to abide by the condition would result in whatever penalty is prescribed in the Resolution that the Board adopts. He further stated that there could be an Ordinance.

Mr. Wyciskala stated that Title 39 would be applicable to the property to allow the Police Department to issue tickets on and off the site, as well as illegally parking in handicapped spots.

Attorney Corsini stated there are three potential enforcement mechanisms.

Stan Schrek stated that if it becomes a condition of the Resolution, the hours would have to be clearly stated and define "peak hours". He noted that Zoning would have enforcement of it as well and have strong powers of issuing violations and court summons for multiple violations.

John Glutch, 720 South Main Street - stated that the tractor trailers delivering fuel are just as long as the car carriers.

Wesley Taylor, 260 North 6th Avenue - had questions for Sgt. Petrone regarding a possible derailment of the train and what type of emergency planning has been done.

Sgt. Petrone stated that they are the initial responders, and they would contact the Fire Department and Somerset County. He stated that Somerset County has specific plans for different types of disaster scenarios.

Chief Joe Barilla stated that there are emergency plans for train derailments, and it doesn't matter the type of business since they are all treated the same.

Mr. Taylor also asked about traffic on North 1st Avenue, and asked if anything was taken into account for traffic using North 1st Avenue instead of Main Street.

Sgt. Petrone said no.

Mr. Taylor also asked if the additional traffic, along with the road diet proposed by Somerset County, was taken into account. He also asked if there would be additional manpower added.

Sgt. Petrone stated that he believes Royal Farms took that into consideration. He stated that additional manpower is the Chief's decision.

Cassandra Russell, 100 Brooks Boulevard - asked how many deliveries in large trucks are made to the property now.

Sgt. Petrone estimated at least one per day.

Ms. Russell asked the same about Quick Chek, noting several vendors such as McClain, Pepsi, Coke, Entenmann's, Tasty Cake.

Sgt. Petrone stated that it is non-stop and that each vendor comes in and out with large trucks.

Ms. Russell stated that this property already gets deliveries and asked if it would be the same amount of deliveries.

Sgt. Petrone stated that it would be comparable.

Ms. Russell stated that there shouldn't be much of a change then.

Dean Shepard, P.O. Box 222 - stated that it is ridiculous. He stated that even if there is only one truck per day, there will be cars and trucks all day long. He mentioned that this is a competing business. He stated you cannot equate one delivery truck a day to what will be received.

Attorney Corsini stated that the frequency of deliveries to any of the three sites is outside of the Officer's confidence. He does not have any special knowledge regarding these questions.

Mr. Shepard stated that he is asking the Officer's opinion on equating one truck going to the site to not creating a problem. He stated that there are very few cars that create traffic from the site at this time. He stated that there will be two businesses having the same peak hours, so you cannot equate it to the Chester House now that receives one delivery per day.

When no one else had questions to Sgt. Petrone, Chairman Kelman closed the public portion.

Mr. Wyciskala requested a five-minute break at this time.

The break began at 7:57 p.m.

Chairman Kelman called the meeting back to order at 8:17 p.m.

Chairman Kelman referenced a June 26, 2017 letter from the Somerset County Planning Board indicating that the application remained incomplete pending resolution

of a list of items as set forth in the letter. He asked Mr. Wyciskala if he was prepared to address the items as set forth by the Somerset County Planning Board.

Mr. Wyciskala stated that the Applicant will comply with all conditions set forth in the June 26th County review letter. He stated that the plan and driveway locations are in conformance with the County requirements. He stated that the County included bonding requirements, etc., and as with any approval, it is subject to outside agency approvals and satisfaction of the County. He noted that the County has primary jurisdiction with respect to the driveway locations, and they will comply with all the requirements.

Chairman Kelman asked if Mr. Wyciskala had anything further to present to the Board.

Mr. Wyciskala stated that they have nothing further, and added that he agrees with the Chairman's interpretation of the 1,500 requirement in the Ordinance. He stated that he has discussed this with Attorney Corsini, and they will be happy to make a submittal on the issue if the Board feels it necessary. He stated that they still have a conditional use variance due to the location of the canopy in proximity to Main Street, and a few other items. He stated that looking back at 606.3 and 606.7, he believes it does relate to conditional use of taverns in 1,500 of a church or a school as well as indoor entertainment, which is not this use.

Chairman Kelman opened the Public Portion for comments regarding this application. He commended everyone in the public for coming forward, and he has never seen so much interest in an application.

Ryan Ramsay, 710 South Main Street - he stated that the whole town has voiced their concerns regarding the use of the property as a gas station and convenience store, and he believes there are a lot of unanswered questions and misleading statements as to the frequency and size of deliveries and traffic volume. He doesn't think we have received clear and consistent answers from Mark Manville, LLC.

Rich Martin, 710 South Main Street - stated that at the last meeting we were promised a revised turning radius of the trucks inside near the gas and diesel pumps and he did not see that anywhere. He stated he is concerned about the operation of the larger trailer trucks inside the pumps.

Chairman Kelman stated he was not aware of additional information being submitted.

Mr. Wyciskala stated that additional information and exhibits were submitted and the Sergeant received and answered a question regarding the exhibit.

Chairman Kelman stated that whatever is going to be presented has been presented.

Louis Ramirez, 156 South 19th Avenue - stated that Brooks Boulevard is a narrow road and when trucks pull onto it to make a right-hand turn, they will have to go into the other lane. He stated that if a truck makes the left onto Brooks, and a car comes out of Quick Chek, they will meet. He stated that trucks cannot back up and if the car backs up, it will interfere with cars behind it. He stated that a truck cannot make a left-hand turn from the left lane without taking up both sides of the road. He stated that if a truck is fully

loaded, there will only be one truck at a time making the light, so the lights may have to be changed. He also noted that car carriers are private owners and take about 400 gallons of gas, so if Royal Farms is selling fuel \$.10 cheaper than someone down the road, all the carriers will go to Royal Farms.

Dean Shepard, P.O. Box 222 - asked if this was the final public portion for this application.

Chairman Kelman said that it was anticipated to be the final public portion.

Rudy Nowak stated he would like to vote on this application tonight.

Chairman Kelman stated that there are still a few issues to be discussed with the Attorney, therefore, the vote will most likely be on August 1st.

Mr. Shepard stated that this application is not even close to being acceptable for the site. He stated either use alone would be possible, but two intense uses on a small site that conflict is a bad idea. He mentioned the current traffic conditions and suggested that the Board members should have reviewed other gas/convenience stores in the area to observe the flow of traffic. He mentioned that he visited Quick Chek in Hillsborough and Wawa in Bridgewater. He noted his concerns with the traffic, which is a problem now, and stated he is concerned about the effect of this use on existing businesses that have been here many years. He stated that this is the worst intersection in town. He also stated that the Applicant never produced a witness from operations. He stated that if the Board members care about the future of the town, they should vote no on this application.

Maureen Taylor, 260 North 2nd Avenue - expressed her concerns with inconsistencies in the reports for lighting and traffic studies. She stated that this business is too big for the site and for the town, and will result in major traffic jams. She stated that this use will create an unsafe environment for children. She stated that they did not do a traffic study for North 1st Avenue, and she feels the other businesses in town will suffer. She feels this is a bad proposal in the way it has been presented, and it should be revised to something smaller which would be more appropriate.

When no one else in the public had any comments, Chairman Kelman closed the public portion. He asked Mr. Wyciskala if he had any other comments.

Mr. Wyciskala stated that he would prefer to reserve his closing statement if they are going to come back and address a few issues. He stated that they expect no plan revisions, however, they will look back at the issue of the sidewalk across the front of the building in terms of the alternate pedestrian walkway through the site.

Chairman Kelman asked Attorney Corsini if there were issues that must be addressed before the Board can discuss and vote on this application.

Attorney Corsini suggested that in light of some of the revisions that were presented, and in light of conditions that may be leveled as a term of approval, and the complexity of the variances requested, it could be put off for one more meeting. He also noted the

interpretation of the 1,500-foot Ordinance. He also stated that he will have to go over some standards with the Board prior to a vote.

Chairman Kelman agreed with Mr. Corsini and stated that the Board needs time to digest all the variances and come up with proposed changes before voting on the application. He asked that the matter be carried to the next meeting on August 1st at 6:30 p.m. with no further notice.

Mr. Wyciskala consented to the extension of time for the Board to act.

Rudy Nowak asked about the grade level of gasoline to be sold at the facility. He noted that he asked the question before, and someone from Royal Farms should have been there to answer that question. He stated that he needs no further information to vote on this application. He stated he wants to vote now.

Chairman Kelman stated that it is his discretion to carry the application to another meeting based on the outstanding issues placed on the record by Mr. Corsini: the application of the Ordinance; additional changes regarding the sidewalk behind the building; and numerous variances to be considered. He stated that the Board should be provided with the opportunity to have time to digest all the testimony prior to discussing and voting on the application.

Brandon Agans stated that Sgt. Petrone advised that the Board can make recommendations or restrictions.

Chairman Kelman stated that is the whole purpose of carrying this application. He would like the Board to consider what restrictions they want to place on the application.

Mr. Wyciskala confirmed that the next meeting is August 1st at 6:30 p.m. in this room with no further notice required.

Chairman Kelman stated that is correct.

A/ Appeal of Application #PB-17-02
1419 West Camplain, LLC
Block 122, Lot 9, 1419 West Camplain Road
Use Variance

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

Edward Gorney, Esq., Attorney for the Applicant - stated that they may have a problem with the application. He stated that Mr. Corsini provided him with a list from November that contained 41 names, and the list he received only contained 31 names. He stated that 10 properties were not notified. He stated he is leery of going forward if not all property owners were notified.

Attorney Corsini stated that this is an application which was heard in February, and there was a recorder failure that evening, and there was some question about the standard to be applied. He stated that Mr. Gorney and his client have come back before

the Board. He stated that a sheet was produced by the tax office on November 29, 2016 which contained 41 property owner names as well as utilities and governing bodies. Mr. Gorney requested a second list which contained 31 names. He stated he inspected the notice requirement with regard to the May 9, 2017 list, which is available for review, and he has notified all the names on the list. He reminded everyone that the list is generated by the tax office. He stated that all he can do as the Board Attorney is to say that the most recent list is compliant with the statutory requirement. He left it to the Chairman to make the final decision.

Mr. Gorney stated that he is hesitant to go forward, since it could be that 10 residents were not notified.

Chairman Kelman asked Mr. Shepard if he had some information that some people in the 200-foot radius were not noticed.

Mr. Shepard stated that he counted 31 receipts, and the list he was given, dated November of 2016, contained 43 addresses, including his in-laws who were not noticed this time.

Chairman Kelman stated that Mr. Gorney agrees that there is the potential that notice was improper.

Attorney Corsini stated he must re-notice all 43 addresses for August 1st.

Mr. Grabowski, Mr. Gorney's client, stated that he would like to be heard at the August 1st meeting, since he will be away for September 5th.

B/ Application #PB-17-05
Dharm, Inc. t/a Dunkin' Donuts
Preliminary Major Site Plan, Final Site Plan
Block 150, Lots 15-19 and 25 - 321 South Main Street

Chairman Kelman requested that the Applicant come forward and present their application.

Carl A. Picazio, Esq., appeared on behalf of the Applicant, Dharm, Inc., t/a Dunkin' Donuts. He stated they are seeking a relocation of their present business with variances. He noted that this business is an existing business that has been in Manville for more than twenty years. He stated that he will be presenting as witnesses a principal of the operation, Cynthia Fall from GK+A Architects to discuss the plans, and Elizabeth Dolan from Dolan and Dean who prepared the traffic report, which is one of the most critical issues at this location. He noted that the present location of the Dunkin' Donuts has no drive-through option, which is a desired addition to the business to accommodate busy commuters. He stated that their major hours of operation are from 6 a.m. to 9 a.m.

Mr. Patel, Principal Owner of the Business was sworn in by Attorney Corsini. He answered Mr. Picazio's question to him: He explained that he is the owner and operating partner of the Dunkin' Donuts at 101 South Main Street for the last twenty

years. He stated that he intends to move to the new location further South on Main Street to utilize a drive-through location. He stated that the location where they are now does not have easy entrance and exit. He also stated that the location is going to be smaller than their current location. He testified that they will remain open for 24 hours, as they do now, at the new location. He stated that the reason they are 24 hours is that their main rush time is 6 a.m. to 9 a.m., and they need to prepare for the early morning traffic. He stated his kitchen staff is preparing food for the early morning rush. He stated that there is not much business at other times, however, they do serve the public 24 hours. He stated there is little or no traffic after 10 p.m., however, they start getting busy about 5:30 a.m. until 9:00 or 9:30 a.m. He projected his customer count to be between 70-80 guests from 6 a.m. to 7 a.m., 7 a.m. to 8 a.m. and 8 a.m. to 9 a.m., maybe a little less.

Attorney Picazio questioned Mr. Patel about how long customers normally have to wait to get their food at the drive-through.

Mr. Patel stated that they have another location in Middlesex, and the guests are served between 90-100 seconds. Their goal is to serve in less than two minutes. He also stated that all items are prepared in advance and items are kept warm to expedite service. He also stated that it is about 50/50 for customers to use the drive-through or come into the store.

Chairman Kelman asked if anyone from the Board had questions for Mr. Patel. Joe Barilla asked if the present location will be closed once this new location is open.

Mr. Patel stated it would be.

Jim Powers asked if the property is located in a flood zone.

Mr. Picazio stated that the application will be amended to state that the property is located in a flood zone.

Stan Schrek stated that this is a special flood hazard zone, and will need approval by the DEP to be finalized.

Chairman Kelman opened the public portion for questions to Mr. Patel.

Steve Barton, 17 Kyle Street - stated he lives directly behind CVS, and has lived there for over 25 years. He stated that he has seen it flood. He also stated his concerns about the 24-hour operation.

When no one else wished to question Mr. Patel, Chairman Kelman asked Mr. Picazio to call his next witness.

Cythina Falls, Architect with GK+A Architects gave her curriculum vitae noting she has appeared before numerous boards in the State of New Jersey for more than five years. She was sworn in by Attorney Corsini.

Ms. Falls testified that she prepared the site plan and has reviewed the comments made by Stan Schrek in his report, just this afternoon. She stated that due to just receiving his report, she does not have an Exhibits with her tonight. She stated that they will be doing their DEP approvals and SED approvals (Soil Conservation District Approvals) as required by this project.

Ms. Falls spoke about the existing drive-through, which is a double-lane and will be reduced to one lane. She noted that this is the biggest change they are making to the site. She stated that the existing site will remain exactly as it is right now, with the exception of the drive-through. She stated there will be modifications made to the existing canopy. She referred to drawing #SP2 dated April 27, 2017, and explained the modifications to the existing drive-through such as raising the grading to bring the window up higher. She also explained that they will be adding landscaping where the second drive-through is today. She testified that the drive-through has the capacity for five stacked cars, and will work with the 90-100 seconds per customer that Mr. Patel testified to. She noted that the customers will be entering from South Main Street, however, there is two-way traffic on the site. She noted that the menu board will be located at the fifth car position. She stated that the Traffic Engineer will discuss any concerns regarding the stacking of cars in the drive-through. She stated that they anticipate making improvements to the front of the **façade**, according to Dunkin' Donuts standard design, and they will be adding signage and the new canopy. She discussed the residential area to the south of the site, noting that the rest of the area around the site is commercial. She stated that there will be a speaker tower, however, technology for menu boards and speakers has gotten much better, and speakers adjust to the ambient sound around them. She stated that this is state of the art technology and has a nighttime setting that lowers the volume at night. She also testified that the applicant will be utilizing the existing trash enclosure, and it can be better secured. She stated that trash will be picked up at least twice per week or more as needed, and will be picked up during off-hours. She stated that they will be using the existing lighting, however the new canopy will have lighting underneath and since it is smaller, it will be less lighting.

Ms. Falls stated that they intend to add signage around the site to direct customers to the drive-through, and noted there will also be a small canopy over the menu board. She directed everyone to drawing G2 depicting signage.

Ms. Falls reviewed the architectural floor plans stating that the seating area will contain 29 seats and a front and back line and a food preparation area in the back. She noted that there is also a conference room for employee training. Any questions regarding the conference room can be answered by Mr. Patel. She stated that there will be no frying, and therefore, no grease vapors. She stated that there will be a convection oven to heat frozen product. She stated that the donuts are delivered by a small box truck every morning, and they are fried offsite. She stated that nothing other than muffins and bagels are heated in the store. She noted that the site will be ADA accessible, and they plan on adding a monolith for signage on top of the building and another on the other side. She stated that she does not have information regarding the signage from when the site was PNC Bank since the signage is no longer on the site. She also noted Sheet A-2 which is an elevation of the drive-through side with signage on Kyle Street. She stated that all signage complies with the code.

Chairman Kelman noted that all the variances are bulk variances and are pre-existing.

Ms. Falls stated that all variances are pre-existing and they are not changing the footprint of the building.

Chairman Kelman asked Ms. Falls to address the comments made by Stan Schrek, the Borough Engineer, regarding signage areas.

Ms. Falls stated that on the Kyle Street side they are proposing a relatively small sign (17.63 square feet). She addressed the 39 square foot brand sign. She stated that page 3, paragraph 2b of Mr. Schrek's letter refers to a small hanging sign underneath the canopy that is perpendicular to the sidewalk. She stated that if they have the sign, it will be four square feet. She stated they are not showing that at this time.

Chairman Kelman asked if there will be any flashing signs.

Ms. Falls testified that the signs they will be using are similar to the signs on the existing Dunkin' Donuts that are internally illuminated LED signs.

Mr. Schrek stated that in the Ordinance, drive-throughs are not listed as a permitted use in the commercial zone. He stated that there has been a drive-through at this site previously, and he mentioned the intensity of this use as opposed to the prior use. He stated that a D variance is justified for the drive-through.

Mr. Picazio noted that he was Board of Adjustment Attorney for Manville for thirty years and he is very familiar with the Borough Ordinances. He cited 606.1h - permitted uses, and among those uses are restaurants, banks and bakeries. He stated that this use sells baked goods. He also noted that many places in the Borough such as McDonald's and Popeye's have drive-throughs. He stated that he thinks that in terms of use, it is more of a product use than a use variance, per say. He noted that the Bank had a drive-through for deposits and other services and the Board granted that variance back in 1995. He stated that they propose a different use with a different product, however, it is retail with a permitted use of bakery. He stated that it is not exactly a use variance on its face, like a commercial use in a residential zone, which is a true variance. He termed it a "hybrid" variance.

Mr. Schrek stated that the drive-through was pre-existing. He stated that he can use the pre-existing condition as part of his testimony to justify it being there. He stated it is either a use variance or not, and it's not a permitted use as listed under 601. He stated there is also a prohibition of doing business outside the primary building.

Mr. Picazio stated that the bank did business both inside and out as well.

Mr. Schrek stated that the fact that it is already there supports your negative criteria that they are not creating anything new other than traffic. He stated that he still believes a use variance is required.

Mr. Picazio stated that because they are talking about something that is already there, he disagrees.

Attorney Corsini stated that he recognizes Mr. Picazio's argument, however, he also understands Mr. Schrek's interpretation. He stated it is a very close call. He stated that in an abundance of caution, he would like to agree with Mr. Schrek on this one.

Steve Rodzinak asked if the applicant is planning on enhancing the screening for the residential homes that are adjacent to the 24-hour drive-through.

Ms. Falls stated that they were not proposing it, but they will certainly do so. She noted there is a stockade fence there now, which she believes is owned by the residents. She stated they will put up an additional fence or change the fence that is there now, since you can see right through the existing one. She suggested a six-foot board-on-board fence.

Jim Powers asked what the plan was for the garbage area that will be used by all three businesses, since Dunkin' Donuts will be selling food. He also asked how they planned to keep the area secure and free from rodents.

Mr. Picazio suggested that Mr. Patel answer the question, since he is the on-site manager. He asked Mr. Patel how he has been handling the garbage situation at the current Dunkin' Donuts for 20 years.

Mr. Patel stated that they have a large container and pick-ups twice per week. He stated that at the other location, which is smaller, they pick-up six times per week. He stated that if it is needed, they will schedule daily pick-ups.

Mr. Powers stated that the other part of the question is most important as it relates to the other businesses sharing the garbage area. He asked what the plan was to keep it secured, clean, and locked. He stated employees of the other businesses could throw random articles around and not keep it clean and create an infestation.

Mr. Patel stated that neither CVS nor the hair salon will be disposing of food, therefore, it will be his responsibility to keep it clean, secure, and covered. He stated that at his other locations they have "dry" tenants as well, and they take full control of the garbage. He stated they are accustomed to dealing with shared garbage.

Chairman Kelman opened the public portion for questions to Cynthia Fall, Architect.

Ruth Davis, representing the resident of 17 Kyle Street - stated that she has listened to all the testimony on signage and traffic, and there is a big concern with the traffic and signage creating more light. She stated there is residential property behind the businesses, and traffic flow is bad and dangerous already.

Chairman Kelman stated that some of the question deals with traffic, however, he asked Ms. Falls to address the parts of the question that refer to lighting and signage.

Ms. Falls stated that the signage that is being erected on the Kyle Street side faces the street and not the residents. She noted that the side of the cabinet for the sign is not illuminated since it is a solid cabinet.

Chairman Kelman asked if Ms. Falls performed a study regarding the existing parking lot lighting.

Ms. Falls stated she did not, since everything will stay the same.

Wes Taylor, 260 North 6th Avenue - had questions regarding the wall for the residents on Kyle Street, and asked if the wall can be eight-feet tall, impervious to light, and have a noise barrier.

Ms. Falls stated that she will reserve the decision on height to the Board; she stated that normally six-foot is standard for a drive-through to block light. She stated that headlights are pretty low, and usually eight-foot is considered too high by most Board. She stated that they will comply with whatever the Board decides.

Mr. Taylor also asked about the location of the dumpster since the property is in a flood zone.

Ms. Falls referred to Sheet SP2 and stated that the trash enclosures are located along the side of the CVS building. She stated that there is some employee parking in the back, but it is going to stay exactly the way it is: service area, utilities and trash.

Mr. Taylor also asked about the stacking of excess cars in the drive-through.

Ms. Falls stated that the Traffic Engineer will address that questions.

When no one else had questions for Cynthia Falls, Chairman Kelman closed the public portion.

Elizabeth Dolan, with Dolan and Dean, gave her curriculum vitae stating she has testified in over 200 municipalities in New Jersey and has qualified as an expert in traffic engineering. She stated she has been a Licensed Professional Engineer registered in New Jersey, New York, Pennsylvania and Delaware and has been practicing for 31 years. She was sworn in by Attorney Corsini.

Ms. Dolan testified that she is familiar with the report written by Mr. Dean of her firm, and she was asked by Attorney Picazio if she would address the issues set forth in Mr. Schrek's letter, as well as the concerns of the residents with regard to stacking of cars.

Ms. Dolan reiterated that Mr. Patel testified there would be approximately 70-80 guests during the peak morning hours, and those numbers correlate with studies done at other Dunkin' Donut sites locally, although highway sites receive 100-120 guest during morning peak hours. She stated that the traffic volume is lower here, and the tendency is that the store will attract traffic that is already passing by. She noted that the traffic generation for Dunkin' Donuts is already in the roadway system because the customers are already visiting the existing site further north on South Main Street. She also noted

that the other two establishments in the mini-mall (CVS and the hair salon) open later in the morning (8:00 or 9:00), and because the peak hours for Dunkin' Donuts are 6:00 a.m. to 9:00 a.m., the other two tenants are just beginning to open at the end of the peak Dunkin' Donuts hours. She stated that they observed the location, and there were a total of six vehicles parked on site at 8:00 a.m. when Dunkin Donuts would be generating maximum activity. She concluded that there is not much of a parking demand during peak Dunkin' hours because the CVS and hair salon businesses peak later in the afternoon. She noted that the bank that was originally at this location also peaked in the afternoon and on Saturday mornings. She stated that the Dunkin' use here could be considered complimentary as it will generate traffic in the morning when the other two uses are quieter.

Ms. Dolan addressed the questions of on-site circulation and the drive-through. She stated that it is interesting that the Bank had a drive-through with two windows, but without a substantial stacking area. She noted that in the history of the bank, there was always a lot more stacking than is currently available on this property. She stated that the drive-through area will be modified to accommodate one lane, and there will be a designated stacking area for about five vehicles. She stated that beyond the fifth vehicle, patrons have the option to park and go inside, or they might continue to stack within the aisle. She stated that in this particular case and this configuration, she doesn't see it as a negative because the other uses are not generating as much traffic or parking demand, and because there is no potential for that cue too spill out onto the roadway. She noted that most traffic will enter from South Main Street, since there is more traffic on South Main, and they may temporarily cue in the two-way circulating aisle in front of the building and parallel with South Main Street. She noted that there is sufficient parking on the site to accommodate the combination of uses. She stated that they have observed Dunkin' sites that have between 11 and 20 parking spaces, and the use of the drive-through is 40 to 60 percent during peak hours, meaning 50% use the drive-through and 50% use a parking space. She stated that the one concern would be the extension of the cue on site, however, in this particular case it is not spilling out into the street nor obstructing driveway movement, therefore, she believes the Dunkin' activity can be safely managed on the property. She addressed the issue in Mr. Schrek's report requesting more counts and analyses. She stated that they will provide any additional information requested by the Board. She stated that they were there twice in April during peak hours to obtain counts, and both were about the same with thirteen cars entering during the busiest hour, and seven cars leaving. She stated that they also saw some cut-through traffic due to traffic at the intersection. She also stated that at both time periods they observed vehicles coming from Kyle Street through the site and then exiting onto South Main Street. She concluded that it was a very low amount of activity generated by the existing uses when the Dunkin' will general its maximum intensity.

Chairman Kelman asked if the study included the number of vehicles exiting onto Kyle Street and either turning southbound or northbound onto Main Street.

Ms. Dolan stated that they counted the driveways but they did not count how the vehicles exited to Kyle and came to the intersection. She stated that on the busier count, they had only two vehicles coming into the site from Kyle, and they originated

from Main Street. She stated that anyone coming northbound on Main Street turned in on the Main Street driveway, and four lefts came into the Main Street driveway.

Chairman Kelman asked if they anticipate anyone using the drive-through will exit through the Kyle Street ramp.

Ms. Dolan stated that they may because of the orientation of the site layout, and if you look at Sheet SP2, the exit from the drive-through allows direct access to the driveway on Kyle. However, there is enough room for customers to recirculate and exit through the Main Street driveway.

Jim Powers asked if the traffic study was held for only one hour.

Ms. Dolan responded that the report states that, however, there was a second review done on April 25th and they completed a two-hour count from 7:00 a.m. to 9:00 a.m.

Jim Powers asked if that was sufficient amount of time for a study.

Ms. Dolan stated that it is accepted methodology as long as the count is performed on a day that is representative of typical conditions. She stated holidays, bad weather, or detours would not represent an appropriate time to study.

Stan Schrek stated that he thinks this site could be successful, however, he has a problem accepting five cued vehicles at any given time. He stated that the site has easy ingress, and vehicles leave at a controlled intersection, however, he sees more stacking that would impact the parking area. He stated that the existing tenants could change, which would impact people that are parked there. He stated that he has seen more than five cars at Dunkin' Donuts during morning hours. He stated that he believes there should be more information or comparisons as what there could be.

Ms. Dolan stated that she is concerned as well, since the industry standard is usually seven to eight in a defined cuing area. She stated that she is not sure about the parking requirements, however, they will do a little more homework and look at that too to see if there is a way to re-stripe or develop more of a cuing area.

Mr. Picazio asked if it would be better to hold off and gather more data before we proceed further, and carry this to another time.

Mr. Schrek stated that the crux of the application is the generation of the traffic.

Chairman Kelman stated that Mr. Schrek also had some technical comments in his report with regard to the plans, and he assumes the applicant will have no problem addressing those concerns.

Mr. Picazio stated that they will address all concerns.

Chairman Kelman opened the public portion to questions for Elizabeth Dolan, Traffic Engineer.

Wes Taylor, 260 North 6th Avenue - asked if vehicles that may enter from Kyle Street were taken into account in the vehicle stacking. He also asked if there is a way to force entry from South Main Street, rather than Kyle Street to create a better flow.

Ms. Dolan stated that there is enough geometry if someone enters from Kyle Street and wants to go through the drive-through. She stated that the majority of the traffic is likely to enter from South Main. She also stated that they will be looking into on-site striping modifications.

Mr. Taylor stated that he is concerned with drivers trying to “cut in”, and he hopes it will be taken into consideration.

Chairman Kelman asked if there is a concrete curb separating the drive-through, or will it just be painted.

Ms. Dolan noted that there are islands as shown on Sheet SP2. She stated there are nine parking spaces that face the building and would be on the southerly side of the drive-through aisle, and there is a landscaped island that defines the southerly side of the drive-through, and there is curbing on the north side. She stated it is defined with curbing.

Chairman Kelman asked if that would help control the flow of traffic coming in from Kyle Street.

Ms. Dolan stated that there is nothing to prohibit that movement, and she realizes there is a concern with cars coming from two different directions and which one will yield, however, there is enough room for a vehicle entering from Kyle Street to access the drive-through.

Ruth Davis, representing the resident of 17 Kyle Street - asked about the tractor trailers that deliver to CVS and come in at all times of the day. She stated that they back in to where the dumpsters are. She stated that if the traffic flow comes in and out, and the primary time is in the morning, but she sees traffic all day at Dunkin’ Donuts and they are busy stores. She asked how they can control the potential for pedestrians and people coming in and out during deliveries.

Ms. Dolan stated that she doesn’t know if it is detailed on the site plan or not, but the exit from the drive-through will be “stop controlled,” and there will be ample visibility for anyone leaving or in cue to see a vehicle coming in to make a delivery. She stated that the nature of a retail plaza is that there will be a mix of customers and deliveries. She stated that as long as the site lines are kept clear so that in-bound vehicles can see vehicles at the drive-through and vice versa, that is the way the site plan is designed. She stated that the existing loading a refuse area will continue to serve all the users in the building.

Ms. Davis also asked about vehicle idle pollution and noted the townhouse directly behind the building. She stated that the bank had traffic in and out, but it was nothing like a Dunkin’ Donuts. She stated that there may have been one or two cars in the drive-through every once in a while, but it wasn’t all day, seven days a week, twenty-four

hours a day. She stated there will be people sitting there idling, even though some Dunkin' Donuts have "no idle zones". She stated that all the fumes will affect the quality of life in those townhouse communities.

Ms. Dolan stated that she doesn't get into the specifics of emissions, but she stated that the hundreds of vehicles that travel through the intersection of Kyle Street and South Main Street are idling each time the traffic signal cycles, and that is 24/7 as well. She stated that that impact is much greater than the activity generated through the Dunkin' drive-through.

Ms. Davis stated that those cars are on Main Street, however, this is right in their backyard. She also mentioned that the building across the street is contaminated and asked how that impacted the Dunkin' Donuts. She also mentioned flooding in relation to the contaminated building.

Attorney Corsini stated that the answer to that question is out of the scope of the witness's knowledge, and he does not believe there are any DEP requirements of that nature, and there is no evidence it will be a problem.

Mr. Picazio agreed with Attorney Corsini and added that government agencies monitor those situations.

Ms. Davis also asked if there will be a time limit for parking. She stated her concerns with people gathering there for coffee and throwing trash on the ground. She also noted that there is a residential community in back of this building and it will change the quality of life of the residents and their property evaluations.

Attorney Corsini stated that the question is outside of the witness's expertise.

Dean Shepard, P.O. Box 222 - stated that he doesn't think five vehicles can fit in the drive-through, and believes it will likely only fit three or four cars. He also asked about the merge from Kyle Street traffic and who will be first to get into the drive-through. He stated that he went to three other Dunkin' Donuts with drive-throughs, and most have a lane that goes all the way around the building, and it is exclusively for the drive-up window. He stated that it does not block any of the parking. He asked about cars backing out of spaces when there is a line for the drive-through.

Ms. Dolan stated that not much of the parking is being used, which will leave spaces open for Dunkin', or the cue may spill into that isle. She stated that it is exactly what Mr. Schrek has been asking them to look into further. She stated that they may make the access for the drive-through from South Main Street.

Mr. Shepard also noted that the bank did not do much business, and now they are eliminating a lane. He stated that the uses are completely different.

A discussion was held regarding whether the application would be voted on tonight or carried.

Mr. Picazio stated that Boards sometimes like to hear advice from residents, experts, and Council in making their decision.

When no one else had questions for Ms. Dolan, Chairman Kelman closed the public portion.

Chairman Kelman asked Mr. Picazio if their testimony is complete.

Mr. Picazio stated that they have presented all the testimony, however, they may be providing additional information for the next meeting.

Chairman Kelman stated that he believes the application should be carried, pending additional information requested by the Board.

Chairman Kelman asked if there were any comments from the Board regarding carrying the application.

Rudy Nowak asked Mr. Picazio when construction would begin if approval was given by the Board.

Mr. Picazio stated that there is really no construction, other than destruction of the second drive-through lane.

Mr. Patel stated that they will begin as soon as permits are available.

Mr. Picazio stated most likely a window of sixty days or possibly by September 1st.

Stan Schrek noted that DEP approval is ninety days.

Rudy Nowak stated that there is construction begin done at the bridge, and traffic is a nightmare there. He stated that the construction is not scheduled to be completed until August of 2018. He stated that nothing should be done until the bridge is completed.

Mr. Picazio stated that commerce cannot stop for construction, and his client has an existing use.

Mr. Nowak also noted that he knows that he and several other people gather at Dunkin' Donuts four evenings per week, and after mass on Saturdays. He stated there could be between 15 to 22 people, so there will be traffic other than in the morning. He also asked about the corporation, Dharm, Inc. and how many owners there were.

Mr. Picazio stated it wasn't relevant to the application.

Attorney Corsini stated that if Mr. Nowak has valid questions regarding construction, he is sure that the applicant can answer them.

Mr. Nowak stated that construction will exacerbate the current traffic problems from the bridge construction.

Chairman Kelman asked if anyone on the Board had an opinion as to whether the application should be carried to the next meeting or if the Board has enough information to vote on the application with restrictions.

Joe Barilla stated that he would like to give the experts a chance to provide the additional information so the Board can make an informed decision.

Chairman Kelman agreed that the application should be carried to August 1st at 6:30 p.m., same location and no requirement to re-notice.

Chairman Kelman opened the Public Portion for comments with regard to any Land Use Board issues.

When no one wished to comment, Chairman Kelman closed the public portion.

When no one on the Board had any comments, Chairman Kelman requested a motion to adjourn the meeting.

Jim Powers, seconded by Brandon Agans, made a motion to adjourn the meeting.

The meeting was adjourned at approximately 10:18 p.m.

ATTEST: Nancy Kagan, Board Secretary