

REGULAR MEETING

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:10 P.M.

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on March 26, 2017 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Vice Chairman Joseph Graceffo, Members Kevin Platt, John Powers, David Slater and Mary Leonard

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon, Mayor Daniel Mahler, Councilman Cortellessa, Members Robert Dale Spear and Michael Ryan

MINUTES: from the September 12, 2017 and November 8, 2017 Meetings

MOTION TO APPROVE: made by Member Platt, seconded by Member Slater. Voting yes were Vice Chairman Graceffo, Members Platt, Powers, Slater and Leonard

COMMUNICATIONS/REPORTS: Application #PB2017-08 "CJ's Own, LLC"

Attorney's Letter requesting to cancel tonight due to a personal illness of the applicant so that will be accepted and the Application will be put on for next month.

Attorney Veltri questioned if anyone at the meeting was here for the CJ's Own, LLC Application?

Vice Chairman Graceffo commented let the record show that no one was in attendance, who was notified, for this Application and that this Application will be carried without further notice.

There was also a New Business Application which has been referred to the Zoning Board.

ENGINEER'S REPORT: We have a new subdivision application on for next month. Board Secretary also stated she received a new application.

APPLICATION #PB2017-03 "MRAN Haskill, LLC" (Taco Bell)

**Property Address: 164 Greenwood Avenue (Block 460/Lot 24)
Application For Preliminary & Final Site Plan Approval
Authorized Agent: A. Michael Rubin, Esq.**

This is a continuation of the Meeting of September 12, 2017

**Michael Rubin, Esq. of 1330 Hamburg Turnpike, Wayne, NJ, Attorney for the Applicant
You recall that we were on the agenda for November 8th and there not being a quorum we
are here tonight. I did send out new notices and had published in the newspaper.**

**Attorney Veltri stated for the record I do have the Notice of Publication and Proof of
Mailing and they are in order and we can proceed. The other thing I would like to put on
the record there are 5 voting members here tonight. Member Powers was not at the July
Meeting, but he has certified and signed the Certification indicating that he has listened to
the tape of that meeting and has reviewed all the Exhibits so he can vote tonight.**

**Attorney Rubin commented we do want to move forward with the Members who are
present.**

**There are two issues that we want to bring up this evening which really is a continuation of
the prior meetings. The first issue is the steep slope issue, which we never had a chance to
comment on and we do have our witness ready to speak. The second witness, who is here
this evening, is from the trucking company since some of the Members of the Board had
some very specific questions regarding the truck access to the site. We have the actual
representative of the company that is bringing in the deliveries and knows the trucking
business inside and out and I think that is the kind of testimony that the Board wanted. If
we can have our Engineer re-sworn this evening.**

Attorney Veltri swore in Kenneth Dykstra, Site Engineer.

**Vice Chairman Graceffo requested Attorney Rubin give an orientation and review of this
matter for the benefit of the Board Members and the general public since this application
has been on the docket for quite a few months and there has been much discussion.**

**Attorney Rubin advised that Engineer Dykstra was the principal witness last time and can
show us on the easel exactly what we are trying to achieve.**

**Engineer Dykstra, referring to the board on the easel, Exhibit A-4, which we marked
previously at the September 12th meeting and it is a colored exhibit of the site layout plan,
which was last revised on August 28, 2017 and was submitted to the Board as a revision
after the first meeting in July.**

**The project basically involves a 22, 595 square foot lot in your Business Zone located at the
corner of Union Avenue and Greenwood Avenue. Directly across the street to the south are
the Holiday Inn Express and the Burger King property, which are also in the Business
Zone. The proposal is to put in a 21,050 square foot, single-story Taco Bell with a drive**

thru and 14 parking spaces. The drive thru would be on the west of the building and the parking spaces would be on the east on the Greenwood Avenue side. Parking spaces were previously revised to 10x20 at the Board's request and the resulted in the building being shifted a bit back to the west on the property.

Attorney Rubin commented that the most important issue is that this is zoned to allow this use.

Engineer Dykstra stated yes, this drive thru restaurant use is permitted in the Business Zone.

Attorney Rubin questioned you have used the zoning perimeters of the Zoning Ordinance as far as commercial properties that are allowed on this site in order to place this proposed restaurant as you have so testified and have use the Zoning Ordinance to make this work?

Engineer Dykstra answered that is right. In fact, the Business Zone only requires a 10,000 square foot and this lot is 22,595 square feet so it is substantially larger than the minimum lot size and we meet the building setbacks. We did testify to some variances related to basically parking setbacks and we have a sign variance for the Taco Bell height, which is a vertical sign 78" high, and the ordinance only allows building signs to be 24" in height.

Attorney Rubin can you please revisit one issue which some of our neighbors have asked about, and I believe some Board Members have also asked about, why can't we construct a driveway on Union Avenue, which is the County Road?

Engineer Dykstra answered the County will not allow a driveway from Union Avenue because this property is served by a secondary street, Greenwood Avenue. Also, they wouldn't allow a driveway that close to another intersection. So we cannot access Union Avenue directly.

Attorney Rubin, calling your attention to the Steep Slope Ordinance of the Borough, can you advise as to what perimeters there are for the Steep Slope Ordinance and what issue brings us to a variance as to the steep slopes?

Engineer Dykstra answered the Borough as a Steep Slope Ordinance and any slopes that are steeper than 15% you have to apply adjustment factors. Based on the Ordinance we are allowed to disturbed 18,963 square feet of the lot and our proposed disturbance is 21,976 square feet. Rounding it up basically is 19,000 is what we are permitted to disturb and the actual disturbance is 22,000 square feet, so we are 3,000 square feet over on actual disturbance. The Ordinance has a complicated formula but basically a steep slope area is multiplied by a factor so in theory our disturbance after the slope adjustment is 37,587 square feet. It is kind of a strange thing since our lot size is only 22,595 square feet. I am just pointing out that's the Ordinance. The reason for the need for the variance is that we have an unusual topographic situation with this property. The property from Greenwood Avenue as you go west is very level, almost flat, for the first 100' and then it rises in a short distance of about 20', basically a rock outcrop slope, and then it levels off again to the westerly property line. We have 16,000 square feet of this lot is basically level and then we have 6,300 square foot area which is just a rock outcrop steep slope. All we are really actually doing here is taking that rock slope, which is basically located in the middle of the building and going and then goes to the west and rises and we are going to take that rock slope and remove that rock and just move that slope back to the westerly property line. It

is just a removal so slope instead of being 2/3rds of the way on the lot; it will be on the westerly border.

Attorney Rubin stated the primary question when one looks at a variance such as this, is there anything in the event that this was allow to occur and we were allowed to construct the building with this variance, will there be any detriment to our neighbors or the community or to the area? Are we creating a problem for anyone?

Engineer Dykstra answered no. In my opinion, there is no detriment. We are going to remove the rock safely in accordance with applicable rules and regulations and we are not near any water courses or water bodies. The project will be constructed using proper soil erosion and sediment control measures. Basically, it is a rock removal operation. During construction there are always some negative impacts because there is construction but that is true with any project. There will be a period of time during construction where neighbors will hear the construction during working hours, but once that is complete it will be a normal business like any other business in town.

Attorney Rubin questioned so we wouldn't be causing a detriment to anyone?

Engineer Dykstra stated no, no detriment.

Attorney Rubin questioned can this building be built the way it is with the drive thru and everything else that you have shown unless we move the rock as you have described?

Engineer Dykstra answered no it cannot. Because of the positioning of where that rock outcrop is on this lot, in order to develop this lot reasonably you have to move that rock slope back.

Attorney Rubin questioned this is a necessary element in developing this property?

Engineer Dykstra answered yes it is.

Attorney Rubin stated this is all the questions I would have as to this issue, and this is the only issue I was going to bring Engineer Dykstra here for.

Engineer Cristaldi questioned, the rock face now, is it exposed?

Engineer Dykstra answered yes.

Engineer Cristaldi commented when you cut it back, the only thing you really have to make sure is that the rock face is still stable. There will be a condition that the slope will have to be examined and the face of the rock is stable. You will have to clean it up and make it stable.

Engineer Dykstra stated yes. It has to be done properly and has to be a stable slope. We actually showed it with a one on one slope so it is not truly vertical.

Vice Chairman Graceffo questioned what about the height of the outcrop? What is it presently and what would it be once it is constructed?

Engineer Dykstra answered it level, then there is a 20' rise and then it reaches the top and levels off. If you go a little further to the west, it actually comes back down on the neighboring property. It is basically going to be 20' before and after.

Vice Chairman Graceffo questioned any effect on the northern part of the property line?

Engineer Dykstra answered we are going to remove the rock in that area too, but it is not as high on that side because of the way it is graded. The maximum height is 20' in the center and it is not quite as high on the northerly border.

Member Leonard commented I have two concerns. The trucks making the delivery to Taco Bell and the potential congestion on Greenwood Avenue. You have the peak hours and have 15 parking spots and some will be used by employees. Where are all the other customers going to park? That is a pretty narrow street; it is not that wide.

Engineer Dykstra commented we are widening the street I think by 4' plus we are making intersection substantially wider. Also, Union Avenue is being widened about 5'. We are adding some width and the delivery trucks arrive, they are going to make sure the lot is empty. There has been a lot of discussion about that at the last meeting.

Member Platt questioned who is going to make sure that happens?

Engineer Dykstra answered the operator/owner of the property. They are going to have to because they need the deliveries to the site and there have been a lot of discussion about the timing of the deliveries.

Attorney Rubin stated we have the driver here and he will give testimony in a few moments.

Member Platt questioned, the entrance off of Union Avenue, do you have something in writing that you definitely went to the County and asked for?

Attorney Rubin answered it is in the County Site Plan Resolution.

Attorney Veltri wants to clear up an item. I have in my notes that there would be two weekly supply deliveries to the site and that all deliveries would be made, and we had some conflicting testimony, but I think after 7am. I think a neighbor was concerned with a very early delivery.

Engineer Dykstra stated yes, that is consistent with my notes. 7am was discussed as the earliest deliveries that could come to the site since it is in a residential neighborhood.

Attorney Veltri commented you are saying it will be after 7am and your client will be responsible to sure that the lot is cleared at the time of delivery. Is that correct?

Engineer Dykstra answered correct.

Attorney Veltri also commented that there was some discussion about a slope curb being installed on the site for the truck.

Engineer Dykstra stated yes, flush curbs actually. We have them proposed on the plan.

Engineer Cristaldi mentioned his notes show employees coming in at 6am and the store opens at 7am and now you are saying the deliveries are going to come in after 7am, which means the employees are already there parking in the lot and we just got done saying there wouldn't be anybody parking in the lot when the trucks came. How does that work?

Engineer Dykstra stated obviously if there are any employee vehicles there, they will have to be moved while the delivery truck is there. The operator will be in control of their employees.

Attorney Rubin stated someone has to open up the store to let the supplier/trucker in. I mean that was the testimony of the owner last time.

Engineer Cristaldi stated they could park around the back by the drive thru if they had to while the truck is making deliveries.

Engineer Dykstra stated temporarily yes.

Vice Chairman Graceffo stated they could park in the front where the template is set right now. There is room there. Presently, there is parking for five vehicles the way it is presented with the template.

Engineer Cristaldi questioned do you own some flat portion on the top of the slopes?

Engineer Dykstra answered yes.

Engineer Cristaldi stated I was thinking maybe you could put a fence up along the top of that.

Engineer Dykstra stated we have the fence up along the entire northerly border, not on the westerly border.

Engineer Cristaldi questioned isn't that where the steepest slope is? On the westerly border?

Engineer Dykstra stated there is going to be a slope. Are you protecting that for safety reasons or what?

Engineer Cristaldi answered yes, safety reasons. Just in case somebody goes up there. Is that a problem?

Attorney Rubin commented if you want a fence, of course we will.

Attorney Veltri questioned Mike, you want a fence on the westerly side? Any type of fence?

Engineer Cristaldi answered yes, on the westerly side. It can be a chain link fence just so there is a barrier there for safety.

Vice Chairman Graceffo questioned what type of fence are you putting up on the northerly side?

Engineer Dykstra answered that is going to be a solid fence as a barrier. It is proposed as 6' high solid fence and it would be vinyl.

Engineer Cristaldi stated for the westerly side maybe a chain like with the black vinyl on it so you can't even see it.

Engineer Dykstra stated yes, we will do that.

Member Slater stated I didn't hear Attorney Rubin's response on the presentation to the County regarding an entrance or exit off Union Avenue.

Attorney Rubin answered you can't do it. It is in their Resolution. You cannot have it next to an interior municipal road. It is not allowed and you don't see it anywhere in the County because they just don't allow it. It's not something that could happen.

Vice Chairman Graceffo stated I believe Attorney Rubin provided us with the letters from the County that relayed that information that they required it to be on the side street.

Attorney Rubin stated yes, it has to be on the side street. That is the law.

Member Slater stated I don't feel we should be held hostage. In my thinking, in many instances, it is ridiculous because I went down Hamburg Turnpike two Saturdays ago and there was truck backing into CVS and there was one backing into Dunkin Donuts and there was one trying to make the Quick Chek at 8am. Traffic was at a dead stop. How do you not allow this?

Attorney Rubin stated that is right. You can't do it. That's why they don't want to have it. They know it is a hazard and you don't want to make a bigger hazard.

Member Slater commented you give a driveway from westbound Union Avenue into the westbound side of that property and go around the back of the building and he could come out Greenwood Avenue with no problem, none whatsoever.

Attorney Rubin stated we are going to have a witness in a moment to talk about how to get in and out. He is the trucking company.

Attorney Rubin stated that is all for this witness, and everything else was said at the last meeting so this is the only outstanding piece of the variance issue. I do have another witness.

Attorney Veltri swore in James Lavik

Mr. Lavik stated he is an employee of McLane Food Service as an Office Manager now. I take care of transportation; setting up all the delivery times; checks all the plans for all the stores and new stores that come and anything that needs to be adjusted we usually get it adjusted and checked out and we go from there.

Attorney Rubin questioned can you advise the Board, not only Taco Bells, but do you work with other fast food?

Mr. Lavik answered we deliver to Taco Bell, Pizza, KFC, White Castle, Buffalo Wild Wings, Long John Silver and we used to do Checkers. If anyone has ever been to a White Castle, they know how small of a building it is and a small parking lot it is. We go in and out of there all the time and White Castle never closes; they are open 24 hours a day. We deliver there every day.

Attorney Rubin stated let us talk about this site. You saw the plans and you understand how this is being presented to this Board.

Mr. Lavik answered yes.

Attorney Rubin questioned can you advise the Board as to how vehicles that are owned and operated by your company will deliver to this site?

Mr. Lavik referred to Exhibit A-4 on the easel. "As you see right here we have the run overs and the run overs so we don't destroy any concrete or sidewalk. We will be coming in here, going right in here and you're going to be running over the little run over and you are going to park. You are not going to park in the middle of the parking lot like somebody was trying to say we would. We would be parking right here because the delivery door is right here. See where that arrow is at, that is the delivery door. Drop a ramp into there and from there we will just make a swing right around and go right back out."

Attorney Rubin questioned you are coming in and out on Greenwood Avenue?

Mr. Lavik answered correct. It is 65' from curb to curb. Our trailers are 48' and the tractor will be 62' and we are not going to be point to point. When we turn right here, we will be turning around. The maximum length it will be would be like 50', give or take a few inches, and will be swinging over the curb. We will not be going just up to the curb, we will swing right around and go right back out.

Vice Chairman Graceffo stated you are saying that you will not be doing a K-Turn, you will just be looping in and out.

Mr. Lavik stated making a U-Turn.

Vice Chairman Graceffo stated you will not be backing up.

Mr. Lavik stated we may back up a little bit over to right here so we can line up our door from the trailer into the back door.

Vice Chairman Graceffo stated you will be pulling forward and out.

Mr. Lavik stated we will be pulling forward and making a U-Turn in the parking lot right here, and right back out.

Attorney Rubin stated one of the main questions is you supervise a number of other drivers?

Mr. Lavik answered yes and I have done it many times myself.

Attorney Rubin stated that is the question we want to ask. How many drivers have gone into sites of this size with this conformation?

Mr. Lavik answered we have gone into much smaller sites. Smaller sites than 65' and actually I think the smallest one we had 56' I believe it was and because there was no parking on the one side. They had parking in the front of the store only.

Attorney Rubin questioned your drivers, or the drivers that are going to be coming to this site, would know how to do this and could handle this in an appropriate and safe manner?

Mr. Lavik answered they do it all night long. You can go anywhere from five stops to fifteen stops a night. Not everything is small. Granted you have some bigger parking lots, but that is what they get paid to do. They make a safe delivery; on-off-and away.

Attorney Rubin questioned have you done this yourself?

Mr. Lavik answered yes. I have done it for 30 years and not just for this company, but for other companies. That is how fast food is. It is not a big store parking lot. It is not a McDonald's where you are getting 100 parking spaces or a Home Depot where you have 200 parking spaces. Fast food is a small area; a small footprint.

Attorney Rubin questioned the size lots that you've worked with are this size and smaller, and everything can be done safely?

Mr. Lavik answered yes.

Attorney Veltri questioned do you have a CDL License and have driven for this company?

Mr. Lavik answered yes and I have driven for this company for 15 years and previously, before they were this company, I drove for 7 years for them.

Attorney Veltri questioned how big are the trucks that are going to service this site?

Mr. Lavik answered 48'. It is three compartments frozen-cooler-dry.

Attorney Veltri questioned how many pounds combined?

Mr. Lavik answered our delivery limit is 40,000 pounds on a truck, and then it goes up to maybe 82,000 / 65,000.

Member Slater stated 80,000. You run 80,000 on five axels right?

Mr. Lavik answered yes.

Member Slater stated I heard 49, now I hear 48?

Mr. Lavik answered I said 48. Yes, 48 is what we run.

Member Platt questioned what is the weight limit on that street?

Member Slater answered it is immaterial; it is in a commercial zone. You have to give the guy access I'm sure. What wheel base is your tractor? They are tandems right?

Mr. Lavik yes they are tandem.

Member Slater some of what was presented prior to your testimony was that it was 62", that is 5'2" and there isn't a tractor made. My pick-up truck has more wheel base than that.

Mr. Lavik answered actually it is 62' total length of the vehicle. 107 maybe.

Member Slater stated yeah, I could go for 112 or 116, something like that.

Mr. Lavik stated you will see a truck on the road and you see the wheels all the way back on the truck so those are guys that are on the road and they are not going into parking lots like this. Our wheels are up and 10' from the back of the trailer and the fifth wheel, which holds the tractor to the trailer, is slid all the way up so we can make the turning radius quicker, so we do all that so we can get into the small lots. We are not going in with a 53 footer, with the wheels all the way back, with the double sleeper cab. That is not us. We built and made to deliver into these smaller parking lots.

Vice Chairman Graceffo stated you indicated your present position is the responsibility for scheduling. Now this particular Taco Bell will be scheduled for deliveries at what time?

Mr. Lavik answered whatever time it needs to be.

Vice Chairman Graceffo commented I believe it was stated that it would be after 7am.

Mr. Lavik stated so that is when it will be.

Attorney Veltri questioned you are flexible on delivery times?

Mr. Lavik answered we have to be.

Member Leonard stated you have the employees coming in at 6am, and it is open for business at 7am, so you can potentially not only have employees parked in that parking lot, but you could also have customers. How are you going to swing in and swing out? Unless you are going to tell the customers you need to park somewhere else.

Mr. Lavik answered if it needs to be. We can only make the delivery at a certain time so if it is inconvenienced to somebody, it is going to have to be. You are telling us we can only delivery at a certain time. Normally we deliver in the middle of the night when there is nobody there, so it is not inconvenient to anybody, and that would be the perfect time. You never see the large postal truck deliver during the day or large grocery store trucks. They deliver in the middle of the night. The trash man is there all the time. You hear him backing up, beeping all night long. Any trucking company and delivery to a company they try to do it in the middle night so not to inconvenience anybody. It makes it safer for everyone.

Attorney Rubin commented we will do what the Board feels is appropriate and we can.

Member Platt said I don't think that is her issue. At 6am there is going to people there and where are they going to park their vehicles.

Mr. Lavik stated we would have to accommodate them as much as possible.

Vice Chairman Graceffo as I said before we have indicated in part of our discussion that the deliveries would be made directly after 7am. At the same time, they will not be made late in the day.

Mr. Lavik stated it would be as close to 7am as possible.

Vice Chairman Graceffo commented what we are saying in a sense is that the deliveries will just be in the morning directly after 7am and that would be part of the Resolution.

Mr. Lavik stated yes, as close to 7am as possible as we can get there. We can't guarantee to be there at 7am, 7:01am or 7:02am, but as close to 7am as possible. I am not saying noon time or 11am.

Attorney Veltri stated I am trying to draft a Resolution at some point, but Attorney Rubin are we saying morning deliveries after 7am?

Attorney Rubin answered yes. That was the testimony.

Attorney Rubin stated the one issue that I said last time, and I have to say it again, if this was a Use Variance and we were here for a site where this was prohibited and we were asking for permission as a use, which would be before the Board of Adjustment, but if I was before a Board of Adjustment seeking a Use Variance, this kind of testimony and back and forth would be perfectly legitimate. However, this is a permitted use allowing this kind of site. Meaning that you have to have customers, you have to have trucks, you have to have people coming and going. Granted, there are one family homes in the area, there is a college in the area, there's other businesses across the street, there are businesses down the street and a lot of stuff is going on, in fact that is what the Mayor & Council over the years wanted on Union Avenue because it wouldn't have been zoned otherwise. But because it is zoned for commercial use, most respectfully we've gone beyond the criteria of this kind of application. Yes, there are one family homes and we don't want to both them or we don't want to create a nuisance, but we are commercial in a commercial zone and we are permitted to do this.

Vice Chairman Graceffo commented you are right Attorney Rubin and the Board understands that. Our concern however is just to be certain that it doesn't create a nuisance, but at the same time we understand that this is a permitted use in that particular location.

Attorney Rubin stated we don't want to create a nuisance.

Vice Chairman Graceffo commented that so far you have agreed to certain restraints that are going to make, I think, convenient and workable for both Taco Bell and for the community.

Vice Chairman Graceffo: Any other questions from the Board?

Vice Chairman Graceffo: Attorney Rubin any other witnesses?

Attorney Rubin answered no, that is it.

Vice Chairman Graceffo stated at this point I would like to open the meeting to the public to discuss this application, and only this application. At this time, if there is any member of the community that has any concerns or questions of the Board or the Applicant, they may step forward and state your name, address and direct your questions please.

Paul Zack, 127 Greenwood Avenue, Haskell

Mr. Zack commented that we, the neighbors, have a lot of concerns on that end of the street and most of the people you see sitting here are all the neighbors that live on that end of the street. We know from day to day how much traffic is created during rush hour, whether it is morning or afternoon. This application should not have been heard in this

town but in another town because of the fact the Mayor owns that property. This wouldn't have been jammed down our throats as residents if the Mayor hadn't owned this property. The fact that there are so many variances on this property shouldn't have even been allowed to get to this point in this town. Are they going to have to blast this rock that is there to create this Taco Bell. That is one of my concerns too. We have blasting from the quarry up the street and it goes through my house about 1pm whenever they blast in the afternoon and it rattles the windows and the house and you can feel it go right through the house. If they are going to blast to build this Taco Bell that is another concern. They are also looking at giving some of these Taco Bell liquor licenses, which is another concern. It is my understanding that there are only so many liquor licenses allowed per town. Am I correct?

Vice Chairman Graceffo answered that the Town Council decides or determines whether or not they can offer licenses. They are limited in most communities. I believe they are limited in Wanaque at the present time. The only way you can get a license I believe is by transfer. It also has to be approved by the Mayor & Council for any transfer. That is not part of this application so there isn't anything you can discuss about it.

Mr. Zak continued that I also have a petition of over 200 people, residents and neighbors, whether it be Haskell Avenue, which is behind our block, Doty Road, Roger Avenue, and Greenwood Avenue. These are signatures of people who live locally that do not want this thing to happen. This has been covered in local newspapers, cable television news and there have been stories about this that the people of this residence do not want this thing to go through. The fact that the people on the quorum themselves don't even want to vote on this thing and want to recuse themselves that should be a big, big green light that this thing should not happen here. As far as ratables and people talk about how your taxes could possibly go down. My taxes have almost doubled in 13 years of living here. Your Mayor talks about how he wants to redevelop the town. Take a look across the street from where the city hall sits and all these empty stores and how they are not filled, but yet we want to develop this corner property. Why is it so important that it is built there? There are plenty of other properties in town that are vacant that it could be built upon. Not there, that is the wrong spot.

Joe Van Buren, 156 Greenwood Avenue, Haskell

Mr. Van Buren commented he is going to make four points. As far as them widening the street 4', that 4' does nothing for your parking. The situation that you have, that you can't see on his map, the macadam from where they are going to be knocking the garage down, from the garage that exists, which is on this picture, to the other side of the street, is only 28'. A car can legally park on the top right here on the southbound side, and two cars can legally park in the residence that is right next to it. Therefore now, you are taking the street from 28' down a mere 14'. This is what happens on any day, cars parked and this is what you get. The problem you have is that when you look at this coming in and out of their parking lot, coming southbound they have to make a right. If a car is on that tuff, that car is going to have to swing into incoming traffic to make that turn right into the Taco Bell parking lot because there is a piece there that can be parked on, as shown in this

picture. There are only five car lengths from their order board to the street. They've already said that they are going to have more customers than that, which means when your board is packed with orders coming in, you have cars already backed up to the street. You are going to have cars trying to make a right into that parking lot and cars making a left that are going northbound into that parking lot and then you are going to have cars trying to get out of that parking lot. What you are going to have are guys jockeying for position to get in and out of the order board. This is not rocket science. This street is going to clog up. This street is the second northbound artery that runs parallel to Ringwood Avenue. This street is going to back-up onto Union Avenue because you are not going to have guys be able to go around this congestion you are going to have coming in and out of the Taco Bell. You can see it on the map and you can see it on the street. I measured the macadam because I live right there. You will not be able to get cars thru when a car is making a right and there is car parked there and a car coming northbound and he wants to make a left into the Taco Bell. It is going to be a standstill. It will back up to the curb and it will back up to Union Avenue. Again, that is not hard to image because it is going to happen. Burger King has ten cars from their board back every night. These guys are going to have the same thing and they going to jam up what is the bypass for Ringwood Avenue by everybody on this Board who has gone up my street. You know what happens when Ringwood backs up. Ringwood keeps backing up because you keep allowing housing to get built and that just keeps backing up all the way to the highway. You are going to shut down this artery with people trying to get in and out of here.

A Member brought up a good point, where are they going to park? When they come in off the highway and the earlier testimony in September, it was talked about that cars and trailers are going to come off the highway looking to stop and eat. Where are they going to park? You have very limited parking along the front of the houses. You can't pull a trailer into Taco Bell so where are they going to park? You have very limited parking. Again, addressing the traffic that is going to come down, are you guys to put up "do not block driveway signs for the first five driveways that are on this street because that is what is going to happen. You are going to congest that right up with coming in and out of the Taco Bell.

Some of you know that I've addressed with Anthony Fiorello if you come down my street, and I think you have, you have seen my sandbags out in November. We were told the flooding was fixed. There was an array of people at my house because my lawyer sent a letter and, of course, we have a letter back saying that the flooding is fixed. I have pictures to prove otherwise that it still floods at that drain. I have video and there still is a mass flooding problem. If you look at their plans, their drains are going to feed the same system that backs up. Again, we have a flooding issue that has not been addressed. If their drainage are going to feed that pipe, which goes to the Stop & Shop and then supposedly goes to the stream, then it is not enough to handle the street now, it is not going to be enough to handle their space since it's no longer going to be grass and dirt, and mostly improved space and it is all going to be blacktop. There is going to be additional water and it is shown on their plans. We have a concern of that because we know it floods and the town hasn't done anything to address that flooding. More importantly, the flooding is secondary, but the traffic is a big issue. You are going to stop the traffic at that corner. It doesn't take a lot to do it as most of see it going up and down the street now.

As far as the widening, you only have 28' of macadam on average in the first maybe five or six houses on that street. You park on both sides and you bring it down to 14'. If you have customers at 7am, he is not going to get his truck in. What is going to happen when this guy comes and there are five or six customers in the lot, where is he going to go? Is he going to pull next to the laundromat and sit there and idle his engine and wait for these customers to leave. I mean you really have to think about this, because they really haven't. Where is this truck going to go? There are so many issues it is not even debatable. We haven't even addressed the garbage truck which, again, are they going to be restricted to after 7am also for their pickups. Those are the questions I have.

Glenn Heddy – 159 Greenwood Avenue, Haskell

Mr. Heddy comments that he believes his neighbors have covered quite a bit. I just want to mention again the drawing and the backing of the truck and all that is when conditions are good. What about when there are piles of snow in the lot, snow in the street, it is raining? All this comes into play too assuming that the parking lot is going to be empty. Sometimes people leave their cars over night, they get a ride with somebody else and come back. Since it is a Taco Bell, it is possible cars could be there overnight.

The other thing I don't understand is where Burger King is there is a road right next to Burger King which looks to me like a town road. It has a street sign, there are houses back there and it is connected to Burger King just the same as this property has Greenwood. Burger King obviously has access to Union Avenue so I don't see where that ordinance that you have to go onto a side road, if there is a side road available, when there is side road right there, but there is an access onto Union Avenue. I don't understand why the County would have allowed that, which is much bigger and much more practical lot.

If you have snow covered conditions, cars parked, I am just concerned that these trucks are going to be backing up blindly onto the road, which is definitely a busy intersection. It is already at its maximum during peak hours. I know somebody testified that they take surveys at different times, etc., but some days it is much worse than others, and definitely in the winter especially if Skyline Drive is closed, or something like that, it even adds more. The drainage, flooding, the parking conditions, the trucks are my concerns and it seems to me that they are going to disturb pretty much the entire lot. There is no way they are going to chip that rock, they are going to have to blast. There is always a chance you could crack foundations and stuff like that.

Vice Chairman Graceffo commented that there are really rules that manage blasting and there has been blasting in this community many times. Obviously, there are State requirements that manage that and guarantee and protect the people's rights. All I am trying to point out is that there are rules and regulations, if it does require blasting.

Mr. Heddy commented I don't see how it is not going to require blasting. It is a giant rock. Attorney Veltri questioned the applicant does he intend to blast?

Engineer Dykstra answered most likely there will be blasting required to remove the rock. Engineer Cristaldi questioned are you going to have pre-blast surveys of the properties nearby?

Engineer Dykstra answered we have to.

Attorney Rubin commented as we all well know if there is any blasting, there has to be pre-blast surveys of adjoining properties, photographs have to be taken, not only stills but videos, there is a whole load of regulations on blasting and neighbors are pretty well protected. State Statute is pretty clear as to what the protections are.

Mr. Heddy commented when I lived on Elinora Drive and they blasted to build 22 homes, and I was the last house on the block, and I got cracks I had to patch. I had drainage problems, which I don't have now. I am just not looking to add more to already a bad drainage situation.

Mr. Heddy questioned there was some talk about some kind of drainage ditch, is that going into pipes that connect to other pipes or is it just going to be a hole in the ground. Are they prepared to add a full drainage system that connects to other types?

Vice Chairman Graceffo showed the report for stormwater management, which the requirement is that they cannot really add any additional waters off this site. They have to be managed on the property itself. In the process of engineering this, they have the responsibility of managing any water that comes off the site and my understanding is it cannot be released into the area. It has to be managed on site. Attorney Rubin you want to address that?

Engineer Dykstra commented that he did testify at some length about the stormwater management design. There is a stormwater management system proposed for the property. It is actually an underground system in the front parking area and we actually enlarged that by 40%. It is a combination of basically a large detention piping, 48" corrugated piping, and there is about four of those pipes about 60' of length each, and before the discharge to that system, there is a water quality device that will clean the stormwater. The pipes are perforated and under the pipe is gravel. We actually tested the property and it has very highly permeable soil conditions with sand to depths of 10'. This system will be installed at 7' so you will have at least another 3' of highly permeable sand that will infiltrate the stormwater. As with any design, you have an overflow because when you get a hundred year storm event it is not all going to go in the ground just like it wouldn't today. There is an overflow to the municipal drainage system and then the county system. We are actually required to reduce our runoff rates for various storm events and we've done that with this design.

Mr. Heddy questioned it is going to go into the pipes and theoretically dissipate unless the water table is high and then it's going to go into an actual secondary pipe that connects to the town system?

Engineer Dykstra commented we tested when the water table was high and we didn't encounter any water to depths of 10'. For most storm events, you are not going to see any water leave that site, but in the larger storm events, a hundred year storm event, water leaves every site, so there would be overflow at that point.

Vice Chairman Graceffo questioned your design is based on a hundred year forecast storming?

Engineer Dykstra answered yes; two, ten and hundred year events. We have to analyze those three events since that is the way the rules are set up. There is no runoff in the two year storm, there is runoff in the ten year storm but it is at least than the pre-existing or current rate. Right now the property is developed. It has a house, garage and driveway. The existing condition is that there is runoff today and there will be runoff in the future,

but less runoff. We have to reduce the runoff rates with the proposed development. Even though we are adding impervious surfaces, our runoff rates are lower than the pre-existing condition.

Engineer Cristaldi commented there is grass on the property now. Once they pave over, the point is to try and get the water back into the ground, which can't happen because it's paved. That is the reason they collect it, put it into the underground system so that it accomplishes the same thing that happened before.

Mr. Heddy commented what happened before wasn't great and that is why the road floods. I am just seeing if this is going to connect to another pipe.

Engineer Cristaldi commented what I am talking about is the difference in water coming off now then what was there before. They are trying to keep it the same or less so that it's not having any different impact then what happens there now.

Mr. Heddy stated it is just not going to be better. This area floods and the road is low.

Member Slater stated I think you are missed the point. It is going to collect and hold most of the water within the borders of the property underground and then it will dissipate or leech into subsurface. They just said they did a percolation test and went to 10' and they had nothing. You can take my copy of the report but I think you are beating a dead horse on this. There is laws just as everybody has said on what you can and cannot do with runoff. He has done under the law what he has to do as far as retention.

Vice Chairman Graceffo stated the point is that they cannot make the conditions worse then what they are at the present. By design, they are making better. There is always a danger of any kind of catastrophe storm that may change conditions, and none of us can control that. You have to take what is there presently and not make it worse and, in this case, they are hopefully going to make it better. That is all I can tell you and that is what the report basically presents to the Board.

Mr. Heddy continued so as far as trucks turning around, mountains of snow here and there.

Vice Chairman Graceffo stated we live where it snows. We can't stop things.

Mr. Heddy questioned how is that truck that they are showing on this nice picture going to turn around and maneuver when there are other cars there, snow and only the one access on the main artery?

Mr. Lavik answered as careful as possible. We deliver in every kind of climate. We deliver every day.

Mr. Heddy questioned to sites that have one entrance and one exit to a main corner like that that has cars already backed up?

Mr. Lavik answered yes. You go to any White Castle, which have a very small footprint. There is not quite as many as right around here.

Mr. Heddy comments it is not only the footprint but also where it is in proximity to the corner.

Mr. Lavik stated I am telling they have a smaller footprint and smaller parking lot and 90% of the White Castles have no parking over here, it is only right here because their money is drive thru. The drivers have to do what they have to do. They have been times when we just can't get into a parking lot. That is just how it is anywhere. If weather is truly bad, we are not going to be out there and the store will be closed. We will only be coming to the store twice a week, not every day.

Mr. Heddy stated every day at 7am there is traffic there.

Mr. Lavik commented I am sure there is. We delivery in NY, Brooklyn, Bronx, anywhere you have traffic and congestion. Every city has traffic at 7am.

Mr. Heddy commented my point is that this is the least practical spot in the entire town to put that, and if you lived on our road you would know. I am sure your guys can get in and out of there but trust me it is not going to be convenient for you guys and us.

Mr. Lavik stated it can be hard. Nobody can say I can do that with no problem at all. That is what their job is.

Vice Chairman Graceffo stated we are trying to be objective here at one point. We want to list to exactly what your concerns are and at the same time we want to give the applicant its opportunity to rationally explain what their choices are in this process. We can go back and forth for another half hour, but the bottom line is you gave us your statement, you gave us your concern, we would like to move on. If you have any other points, please present them.

Mr. Heddy stated that is it and thank you.

Russ Accardi, 24 Union Avenue, Haskell

Mr. Accardi stated I own the laundromat building and was just wondering how you can keep the people from not parking in my lot because our lot gets pretty full already. When the tractor trailer is in their lot delivering at 8am, people are going to park in my lot and run across the street to grab food. How can we keep them from doing that?

Vice Chairman Graceffo stated I really don't have an answer for you.

Attorney Rubin stated it would be the same if the people at the laundromat parked in our lot. Everybody will try to park somewhere. You can't police everything. By the way you do have a Zoning Officer and if he sees something happening on a constant basis, he will stop it because he is very good as to being an enforcer of the rules. The problem is, it is not only here, what if Burger King's lot was full, who knows there is going to be a main tavern/bar one of these days right down the street that is being rehab, who knows how many people will be there. You can't control things. Hopefully, everyone will park in the right place. Our experience has been over many, many years, if a site is filled with cars and people can't get in, they go to the next place; they are gone and not a customer any more. That has been the experience for many, many years in fast foods and other retail establishments. If people can't get in it, they leave and are gone.

Mittal M. Patel, Franchisee for Taco Bell

Ms. Patel stated at 7am there are hardly two customers that do not go park and go inside the store. We have seven stores right now. They do not get out. They go to the drive thru, they take their food and they leave. It is hardly \$20 business. This is not Dunkin Donuts. Taco Bell is not a breakfast business; it is mainly lunch and dinner. To answer the question, in the morning, we are not going to have 15 cars in the parking lot. We will only have maybe 2 cars; one is my employee and one may be a customer. That is all it is going to be. Nobody is going to go to their laundromat to park or park on their street near their

house. The morning is not busy. I also own a Dunkin Donuts and I could assure you guys that this not a breakfast business. This is lunch and dinner. Thank You.

James Caras – 160 Greenwood Avenue, Haskell

Mr. Caras stated he has a couple of issues. My concern is the garbage dumpster and the cliff/rock which is well above 20'. My yard is adjacent to the property and it is well above 20', and in the benching process we talked about a fence. I am thinking what kind of fence maybe on the north side, a 6' fence with the bench how far back, and then the cliff in the back how do you bench that back for safety and what size fence goes there for safety? I thought I heard somebody mention something about Union Avenue is going to be widen, so why not open the road for some access.

I also heard a lot about White Castle and did a lot of ditch digging with White Castles and every White Castle I have ever been to even in the busiest cities, Elizabeth, Linden, Edison, Clifton, they have one way in and one way out.

You need a way in and a way out for emergency vehicles in case the only entrance is blocked and someone is in of medical need.

They have the garbage dumpster in my front yard. If we are not opening up Union Avenue, I think we should put the dumpster over there instead of where it is. Is the garbage animal proof? Is it going to be totally enclosed?

Now that we are moving this property back into the cliff side a little more, I think we need to do more soil samples. Dig into this rock a little bit and see how safe it might be.

I am 10' from this place, and you are going to blast?

I am very upset with this project. We get dirt and runoff from Burger King and Holiday Inn.

I know you said you went to 10', but what is the water table? There is a lake right there. Are you going to be able to dig 10' down and maintain dry and going to put pavement on. My worries are about the rock wall.

Thank you for listening.

Vice Chairman Graceffo: Anyone else in the public wishing to address the Board?
Let the record show that no one else stepped forward.

MOTION TO CLOSE THE MEETING TO THE PUBLIC HEARING: made by Member Powers, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Members Platt, Powers, Slater and Leonard

Vice Chairman Graceffo: Attorney Rubin do you have anything else to present to the Board at this time?

Attorney Rubin answered no sir. I think you've heard the whole application and, in fact, you have heard many parts of it twice now. I am very glad the trucking company was able to get here this evening to clear up a number of things. I know some of the Members of the Board who've been experienced in trucking understood probably more than I do

what the ramifications are. I think the expert who works for the company has cleared up that issue especially that they have been doing it for many, many years and have serviced sites of the same type, same configuration, this size or smaller, and buildings this size or smaller, and other fast food operations. I think that was important testimony because I know the Board was concerned about trucks coming and going.

The main issue, and I have said this before and I have to say it again, the Mayor & Council some years back made the decision to have Union Avenue be a commercial area. For whatever reasons, this felt this should be a commercial thoroughfare. If it won't be Taco Bell, it will be somebody else because someone, somewhere will change the one family house that is currently there into some commercial business for some other use, because if it is zoned commercial, it is not going to stay a one family home. Be it this use or some other use, there will be an application of some kind. Most respectfully, I think this applicant has done everything that the Board has asked them to do. The applicant has been more than cooperative. Anything anyone suggested, we have done.

Most respectfully, I ask that you allow this site plan with the several variances to be approved. Thank you.

Vice Chairman Graceffo commented that closes this application presentation.

At this point we need to determine whether or not we are going to move it forward. I will a Motion from the Board to vote on that and I would like to have our attorney frame the Motion so we know exactly what some of the conditions that have been discussed and presented and more or less put into testimony be understand by the Board before we do bring it to a vote.

MOTION TO MOVE IT SO WE CAN VOTE ON IT: made by Member Platt, seconded by Member Powers.

Vice Chairman Graceffo commented again, I am going to allow the attorney to present the Motion so you have a full understanding in terms of the some of the specifics that we need to be concerned about as we think about the approval or disapproval of this particular application.

Attorney Veltri:

This is a Preliminary and Final Site Plan Application with Attendant Variances to permit the construction and operation of a Taco Bell Restaurant at 164 Greenwood Avenue (Block 460/Lot 24). The Application has a Preliminary and Final Site Plan which was drawn Kenneth Dykstra dated initially May 24, 2017 consisting of 16 pages and the revised Site Plan Layout that was dated August 30, 2017. The Applicant is seeking to construct and operate the Taco Bell and the property is located at the northwest quadrant of the intersection of Union Avenue and Greenwood Avenue.

The property is consists of 22,399 square feet and located in a B (Business) Zone District. The proposed use is a permitted use. Currently, there is a detached residential structure on the site and the proposed application would bring the use into conformance with the Ordinance. The proposed restaurant will be constructed, if approved, in accordance with

the Architectural Plans entitled “Taco Bell - Haskell, New Jersey” prepared by PVA Architecture LLC and the plan consists of 3 sheets with floor plans and elevations all dated May 24, 2017.

If approved, the one story structure will consist of approximately 2,150 square feet. There will be a drive thru window on the site and the drive thru lane will be 22’ wide and there will be 14 parking spaces on site.

All parking spaces shall be 10X20 and that conforms to the Ordinance requirements. There will also be a flush curb installed on the site for easier access for the delivery vehicles.

Deliveries will consider of two weekly deliveries made to the site. They will be morning deliveries after 7am until Noon. There will be a free-standing sign and one wall sign on each façade facing the street.

All signage, except for the Union Avenue sign letter height, will be in accordance with the Ordinance requirements.

There are four variances requested with this approval. (1) Parking setback of 10’ required from the rear or side property line and this application 5’ is proposed; (2) Parking setback of 10’ required from the right of way line and this application 1.1’ is proposed; (3) Union Avenue sign letter height is proposed at 72” where the maximum of 14” is permitted; and (4) Steep Slope Variance for maximum disturbed area of 37,587 square feet when 18,973 square feet is permitted by Ordinance.

During our discussions with the applicant, some of the things that were stipulated were that all conditions imposed by the Passaic County Planning Board will be abided by the applicant.

The applicant will apply with all conditions imposed by the Wanauque Borough Engineer set forth in his reports dated June 26, 2017 and September 8, 2017.

In addition, tonight the applicant agreed to install a 4’ chain link fence with black vinyl on the westerly border.

The applicant agreed that, if blasting is required, they would comply with all State requirements, including pre-blast surveys and all rock removal would have to be made in accordance with the Borough Engineer’s recommendations and the concern for rock stability. Any approval, I think the applicant stipulated, would be made in accordance with all State, Local, County Planning Board and Soil Erosion and Sediment Control Approvals.

Vice Chairman Graceffo commented as you are well aware as Board Members this application has been before us now for several months. There has been a tremendous amount of discussion on it both from the engineers and testimony from the experts and along with testimony and direction from the local community. The presentation of the Motion as set forth by our Attorney was important so that each Board Member has an understanding of what we are granting or limiting or what we are trying to restrict in terms of this establishment. The only comment I have is the fact that, again, this is a permitted use in this particular area which does put some restriction on our thinking on it. We have done everything possible to address parking, to address drainage, to address access, to address delivery scheduling, and now it is up to the Board to make a determination as to whether or not this will be approved this evening. I would now ask for

a vote. We do have a Motion on the floor which was presented by Member Platt and seconded by Member Powers, so now it is just a Roll Call on the Motion For Approval of this Application:

Vice Chairman Graceffo	Yes
Member Platt	No
Member Powers	Yes
Member Slater	No
Member Leonard	Abstain

Motion Denied

Attorney Veltri commented to Attorney Rubin that my reading of the law indicates that this is not an approval.

Attorney Rubin agrees. Let me ask the Board most respectfully since the full Board isn't here this evening, and a tie vote is kind of unusual in a land use agency, is it possible to defer when a full Board is available, and all Minutes are available.

Attorney Veltri commented there were 2 members were recusals and 2 members that could have voted if they were here tonight that are not present.

Attorney Rubin commented having a tie vote is quite unusual. Is it possible to have a full Board, I would most respectfully ask if that could be done. It is a little unusual, but to have tie vote is unusual too. We usually see things black and white – approved or not approved.

Attorney Veltri commented there are a couple of things. Number 1 I don't think we can control the 2 absent Members and if they don't listen to the tape and make available to themselves the exhibits, they are not going to be eligible to vote. We are talking about Chairman Foulon and Member Spear and they were both at the July and September meetings, and are not present tonight. So, it would be a condition precedent that they would have to listen to this tape and then be willing to vote if that was the pleasure of this Board, if you wanted to hold it open for that possibility. It is an unusual circumstance, but it is what the applicant is asking for. I don't mind if the Board votes on that possibility. Obviously, if they don't agree to listen to the tapes, then it is null and void. The unusual aspect is that they will already know what the vote is.

Attorney Rubin agreed and commented the whole thing is unusual.

Attorney Rubin commented that procedurally he can write a letter to the Board asking for reconsideration and I think that is the proper way to do it. If the 2 Members don't agree to the reconsideration, that is the end of it anyway.

Attorney Veltri commented why don't we handle it in that vein Attorney Rubin especially since we are at the end of this year and the Board will be reorganizing in January. Possibly a Motion to Reconsider, if that is what you would like to do, would be appropriate in January.

Attorney Rubin agreed that would make the most sense.

Attorney Veltri: For tonight's purposes, the application is Denied.

Attorney Rubin stated he will write that letter and ask the Board to reconsider and hopefully Chairman Foulon and Member Spear can advise counsel would their pleasure would be.

Attorney Veltri questioned if you have any case law on this because I have never dealt with this.

Attorney Rubin commented I have done reconsiderations many times. It is up to the Board to allow it or not.

Attorney Rubin questioned Vice Chairman Graceffo regarding a letter he wrote about 14 Doty Road.

Vice Chairman Graceffo stated the matter will have to be put on a future agenda to be reviewed.

Attorney Veltri commented that the matter should be put on the agenda and the Zoning Officer should be here.

Attorney Rubin commented I know what his position is and has made that clear. He thinks the Board made a mistake. Should I tentatively put this on for your January meeting?

Board Secretary stated it will be put on the January 18, 2018 agenda.

Mr. Van Buren questioned if the Board was going to allow the other two that are missing to vote, is that what I heard?

Vice Chairman Graceffo stated no, they are not going to vote. My understanding is there has to be a decision made by the Board when we are going to reconsider it.

Mr. Van Buren commented that the two that are not here tonight have not vote until January if it is reconsidered.

Attorney Veltri answered right. If the Board agrees to reconsider it, those members would have to listen to the tape from tonight and certify that they've done so.

Mr. Van Buren commented the community's issue is that they could be influenced by the owner of the property quite easily, especially if they talk to the Mayor outside this venue.

Vice Chairman Graceffo commented understanding the complications of the owner of the property and Member of the Boards who are in relationship with the Mayor & Council, that is one of the reasons why they recused themselves and I think that is appropriate and that is the way it should have been handled right from the very beginning. I think the Board Members here, as you can see from this evening, and throughout this particular presentation, have been open and direct and has been up and above board without any influence one way or the other.

Mr. Van Buren stated we are worried about the other two members, not the members here tonight. The concern is they are going to be influenced by the Mayor if they are allowed to vote.

Vice Chairman Graceffo commented I know what your concerns are, but my real concern is the fact that, in my opinion, and was brought up time and time again, this particular application was for basically a use in an approved zone. I honestly believe that if this applicant decides to bring this further and contest it, they will end up winning from a court

of law. That is my concern and that is my only perspective that I feel is important on this whole application.

PUBLIC DISCUSSION: Let the record show no one to come forward.

RESOLUTION: None

VOUCHERS: submitted by Alaimo Engineering for the MRAN Haskill, LLC (Taco Bell) Application in the amount of \$3,600 and for the attendance at the November 8, 2017 Meeting in the amount of \$190; and submitted by Steven J. Veltri, Esq. for attendance at the September 12, 2017, November 8, 2017 and December 21, 2017 Meetings in the amount of \$900.

MOTION TO APPROVE VOUCHERS: made by Member Powers, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Members Platt, Powers, Slater and Leonard.

MOTION TO ADJOURN AT 9:50 P.M.: Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary