In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the Municipal Building.

ROLL CALL:
Members Present: Joe Fleischner, Brian Schaechter, Nelson Russell, David Koptyra, John Mania, Dan Nelson, Kim Mott, John Batsch, Howie Weiss

Members Excused: Henry Fastert

Members Late: Scott Van Ness

Professionals Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Tiena Cofoni, Esq., Catherine Natafalusy, Planning Administrator/Secretary

Professionals Excused: Edward Buzak, Esq.

APPROVAL OF MINUTES – MARCH 10, 2016

MR. WEISS: Thank you, Catherine. Our first order of business is approval of the minutes from March 10, 2016. We all have copies of that, someone please make a motion.

MR. SCHAECHTER: I'll make a motion to approve the minutes of March 10, 2016.

MR. NELSON: Second.

MR. WEISS: Thank you, Brian. Dan, thank you for the second. Any comments? Seeing none, roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
John Mania	- yes
Dan Nelson	- yes
Kim Mott	- yes
Howie Weiss	- yes

APPROVAL OF MINUTES – APRIL 14, 2016

MR. WEISS: Next item on the agenda is the approval of the minutes from the April 14, 2016 public meeting. Joe, would you please make a motion.

MR. FLEISCHNER: I move we approve the minutes from the April 14, 2016 meeting.

MR. WEISS: Thank you, Joe.

MS. MOTT: I'll second that.

MR. WEISS: Kim, second, thank you very much. Any comments? Seeing none, Catherine, roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Dan Nelson	- yes
Kim Mott	- yes
John Batsch	- yes
Howie Weiss	- yes

COMMITTEE REPORTS

MR. WEISS: Community Reports. Do we have anything from the Mayor, Nelson?

MR. RUSSELL: Nothing from the Mayor.

MR. WEISS: John, anything from Council?

MR. MANIA: No.

MR. WEISS: Environmental Commission. Henry's not here.

MR. FLEISCHNER: Henry is not here, but I was there.

MR. WEISS: Ok, anything for us, Joe?

MR. FLEISCHNER: Yes, just for the record, we sold 44 well kits for testing and that was an increase from 2 years ago when I believe there were only 11. And we were busy all day. Also the committee requested that the administration give more detailed report from the lake treatment and lake is guess survey that was done of the lake. And the…also the committee voted 6 to nothing to not be in favor of a grant to put sidewalks and trails to the schools from Turkey Brook. And I am going to, on behalf of the Environmental Commission, will address the Town Council next Tuesday on this matter.

MR. WEISS: Thanks, Joe. Why you have the floor, do you have anything from the Ordinance Committee?

MR. FLEISCHNER: No.

MR. WEISS: Street Naming Committee? I have nothing. Open Space, Kim?

MS. MOTT: I have nothing.

MR. WEISS: Brian, anything from the Board of Ed?

MR. SCHAECHTER: You know, outside of the Board of Ed really didn't have any vote on the paths that administration wants to propose, there's really nothing outside of the D31 Capital Review that will commence.

MR. WEISS: Ok, well thank you.

CAPITAL REVIEW – NJSA 40:55D-31, MOUNT OLIVE BOARD OF EDUCATION, 386 SAND SHORE ROAD, BLOCK 900 LOT 12

MR. WEISS: Then let's bring us right into the first item on the agenda which is the NJSA 40:55 D-31 Capital Review. Brian, I am just going to state for the record that you are going to step down for this application. And in front of us tonight is the Mount Olive Township Board of Education here to present their plan for 15 classroom addition to Sand Shore School which is located at 386 Sand Shore Road, Block 900, Lot 12. And just a reminder for those on the Planning Board, this is a courtesy review and the Board of Ed is here out of courtesy to explain to us what's going to be going on at the building. Gentlemen, welcome.

MR. MONAHAN: Thank you, Mr. Chairman, my name is Sean Monahan. I'm a lawyer with Schenck, Price, Smith & King. We represent the Board of Education. And I'm here with Anthony Gianforcaro to provide that description of the proposed improvements at the Sand Shore School.

MR. WEISS: Perfect.

MR. MONAHAN: I think Mr. Jim Gianforcaro has been in front of the board many, many times to…want to hear qualifications?

MR. WEISS: First thing we'll do is swear you in.

(ANTHONY GIANFORCARO SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name spelling your last name and giving your business address for the record.

MR. GIANFORCARO: Anthony Gianforcaro, (G I A N F O R C A R O), 555 East Main Street, Chester, New Jersey.

MS. COFONI: Thank you.

MR. WEISS: Thank you, and we've seen Anthony before in front of us with other issues and I will accept Anthony…you're here as an engineer?

MR. GIANFORCARO: Actually I'm a licensed artichect and a licensed engineer.

MR. WEISS: So, you will be testifying as both an artichect and engineer.

MR. GIANFORCARO: Yes.

MR. WEISS: Unless anybody has an objection. Anthony is it easier…we'll call you Anthony.

MR. GIANFORCARO: That's fine.

MR. WEISS: You don't mind?

MR. GIANFORCARO: No, not at all.

MR. WEISS: Alright, welcome Anthony.

MR. GIANFORCARO: Thank you. It's…I don't think it's going to take very long to explain what we're proposing. Sand Shore, I'm sure you are all aware, is the Sand Shore School is located on Sand Shore Road. There is a parking lot out in front of the building. The building is somewhat of a "U" shaped. The two ends of the "U" being towards the rear of the property. The proposed addition is going to connect the two wings in the back and it's going to be…it's going to be across the back of the building. Unless you get to the sides of the building, mostly likely you won't even be able to see that there is an addition out the back. The façade we plan on matching the rest of the building. Obviously, for certain reasons…

MR. WEISS: Excuse me. Let me stop you for one second. Go back to the first one, can we just mark that A1. Mark that as A1 with today's date of June 9th and that was the…the title of that one is…

MR. GIANFORCARO: …is Site Plan SB1.

MR. WEISS: Ok.

MR. GIANFORCARO: A1. And you want it today's date?

MR. WEISS: June 9th, 2016. And then I know you switched the maps, we'll call that A2.

MR. GIANFORCARO: Well this was SP1. The next sheet will be A1.

INAUDIABLE

MR. GIANFORCARO: The first sheet I had was SP1.

MR. WEISS: Ok.

MR. MONAHAN: Now this one unfortunately is A1.

MR. WEISS: This is A1.

MS. CONFONI: We'll mark it as exhibit A2.

MR. GIANFORCARO: Oh, ok, sorry.

MS. COFONI: Because the other was A1.

MR. WEISS: So your sheet A1, our exhibit A2.

MR. GIANFORCARO: Ok, there's a larger floor plan of the building showing the existing classrooms and it's a little larger floor plan of the new addition, the proposed addition. Again, showing there's a double loaded corridor, classrooms on both sides, boys and girls toilet rooms, some faculty toilet rooms, and so on. Also on the sheet is an elevation of the proposed addition. We are not here to make a statement or do something grandiose. We are going to mimic what's there today. We'll have a façade similar, brick with a…like a standing same type panel around the top. We may have to go a little higher just for certain reasons of…you know…mandated ceiling heights, HVAC equipment, and so on to get below the structure. So, it's very, very similar to…we will try to match the brick as best we can. Obviously the building was built some 40 some years ago, 50 years ago, so we're not going obviously get it exact. But that's our plan at this point. And then lastly, A2 is really just a plan that we gave you. It's something that the Department of Education required. It shows all the furniture; make sure we have enough space for all the children in the rooms.

MR. WEISS: Just for the record, we're going to mark that one Exhibit A3 with today's date and that is a furniture plan, you called it?

MR. GIANFORCARO: Yes, Furniture Reflective Ceiling Plan. So, that's the whole project just basically again you have the two "U"'s, and we're connecting them across the back.

MR. WEISS: I saw the plans in advance, and I had one question. If you come back to A1, Exhibit A1, and so you had what was once that horseshoe is now going to be blocked off. What's going to happen to that interior that was an open area, an open grassy area? How is that going to be maintained?

MR. GIANFORCARO: Ok, what we did do is and I may actually if I can jump in…this is a little bit bigger…we have a corridor that can pass through, we'll have larger doors in that corridor so that they can get a mower in here to maintain the inside. If they choose at some point in the future we may put a little shed there for…obviously it has to meet all the regulations as far as fire and so on. But, right now our plan is again that's why we did what we did here so we go straight through we don't have to take it through the corridor get a mower or somethin through…it will go straight through. Any access will be right there.

MR. WEISS: Ok, that seems to be space that can be utilized but I'll leave that up to the Board of Ed to…

MR. GIANFORCARO: Well, I'm sure the board; we do design work for a lot of school districts throughout New Jersey a lot of them use this now it becomes an educational space.

MR. WEISS: Sure, very secure.

MR. GIANFORCARO: You know, its secure number one, absolutely. They'll have environmental type classes or outdoor class room type things obviously in the beginning of the school year and the end of the school year. But some had done like you know little patios and stuff for class rooms but that will obviously come later on.

MR. WEISS: Ok, Joe, did you have a question?

MR. FLEISCHNER: Yes, I have a couple of questions. Could you please go back to your first, with the additional class rooms are you going to have enough parking for the staff because you'll have to add more faculty?

MR. GIANFORCARO: Yes, we believe, yes we will, because a lot of the parking in the…this parking area along the side of the building is not even used at this point. So…

MR. FLEISCHNER: Cars are there all day.

MR. GIANFORCARO: No, I mean like the last spots at the end, cars are definitely across the front and even in here.

MR. FLEISCHNER: No, I'm just concerned so that you know you want to have teachers able to park.

MR. GIANFORCARO: Right, we believe we'll have enough.

MR. FLEISCHNER: And one other thing I would encourage you to do since that one ball field is still going to be there. Yes, maybe you need to put some nets just in case you got some powerful, you know fifth or sixth graders and the ball flies off, we don't need any broken windows.

MR. GIANFORCARO: No, we certainly don't want that.

MR. FLEISCHNER: Just please consider that. Just in case, just in case, because some boys are pretty good and girls, they can hit the ball. So, I would just encourage you to do that as well.

MR. GIANFORCARO: Absolutely.

MR. WEISS: It was my only question is it will have no impact on the recreation area that's back there now?

MR. GIANFORCARO: No.

MR. WEISS: I think we understand that the one in the upper right is going to be eliminated for another project.

MR. GIANFORCARO: That project may have even started that solar project.

MR. FLEISCHNER: It was a solar project.

MR. GIANFORCARO: Solar project.

MR. WEISS: But we were left with one field and it doesn't look like it going to be impacted. Ok, fair enough. Anybody on the Planning Board have any questions?

MR. MANIA: How many square feet?

MR. GIANFORCARO: It's about 15,000.

MR. MANIA: 15,000?

MR. GIANFORCARO: Somewhere right in that area.

MR. WEISS: Anything else, Joe? Anybody else on the Planning Board, any other comments?

MR. MONAHAN: The only thing is the Department of Education if there is any way we could get a form letter saying that we appeared before you that helps our process move a little quicker.

MS. COFONI: Yes.

MR. MONAHAN: So we don't have to wait 55 days.

MR. WEISS: Hold on, Gene.

MR. BUCZYNSKI: Just one thing so just the board is aware of it, it's in the highlands and they are requesting Highlands Number 6 Exemption which they are aware of.

MR. WEISS: Ok, could you put that down. If anybody from the public has any comments, I'll certainly entertain that at this point. If anybody has anything to say about the plan, I see none from the public so I'll close it to the public. Gentlemen, if you're done…

MR. GIANFORCARO: Well, thank you very much.

MR. WEISS: Here's what I'd like to do. We'll just keep a record; we're going to write a letter. Tiena, you're going to write a letter, let's get kind of the pulse from the Planning Board as we

understand 40:55D-31 Review, but I would like to have roll call to see how you feel about the plan. Yes, in favor of the plan. No, is not, understanding that the no vote really doesn't mean anything. Just wanted to make sure that, let's get a creative record that the Planning Board is either in favor or not in favor.

MR. MANIA: I'm in favor of the plan.

MR. WEISS: Well let's go in order. Catherine, if you would…I'm sorry…

MS. COFONI: Before we do that, just one of the….the only recommendations that I'll include in the letter that I heard was is the suggestion to put nets to block the balls from the adjacent field so that it wouldn't damage the proposed addition.

MR. FLEISCHNER: Just in case.

MR. WEISS: All the other items like the Highlands Number 6 Exemption…

MS. COFONI: That's all existing, so it's not really recommendations.

MR. WEISS: Ok, so, let's do that. Catherine, if we could roll call.

ROLL CALL:

Joe Fleischner	- yes
Nelson Russell	- yes
David Koptyra	- yes
John Mania	- yes
Dan Nelson	- yes
Kim Mott	- yes
John Batsch	- yes
Howie Weiss	- yes

MR. WEISS: Thank you.

MR. MONAHAN: Thank you.

MR. GIANFORCARO: Thank you very much.

MS. COFONI: I'll prepare a letter and send that. I'll send that to you Sean?

MR. MONAHAN: Yes, please.

MR. WEISS: Put in that letter too, Tiena, it should also note that the Planning Board is in favor of this application. It was a unanimous vote 6 – 0.

MS. COFONI: Yes.

MR. MONAHAN: Thank you very much.

MR. WEISS: Good luck, gentlemen.

MR. MANIA: Mr. Chairman, let the record show that I will be stepping down from the next application for the D Variance.

MR. WEISS: As will Henry, who's not here tonight. Oh, I'm sorry, Nelson.

INAUDIABLE

MR. WEISS: Ok, also for the record, Brian is back up and John as I said stepped off as did Nelson.

MR. SCHAECHTER: So there's seven?

MR. WEISS: One, two, three….seven.

MS. NATAFALUSY: Scott is on his way.

INAUDIABLE

MR. WEISS: Let's adjourn the meeting now for just five minutes or so. Come off the record.

DEVELOPMENT MATTER – PB 16-11, BUDD LAKE THREE INVESTORS, BLOCK 3109 LOT 8

MR. WEISS: What's the next application, I see there is a lot of people from the public here so what I'd like to do is spend a little bit of time to explain what is going to happen tonight. Everyone up here has microphones so you should be able to hear us coming through the speaker. I know if you're having trouble just get my attention without…we'll speak up, we'll make sure we speak up. Folks on the Planning Board, please try to maximize your microphone to help with the sound. The process is fairly simple. The applicant is going to come up and he's going to present his case. He's going to present his application through a series of various experts whether it be traffic, engineering, articheture, whatever the applicant feels he needs to demonstrate his need for approval, he will bring that applicant up. And throughout the process I will make sure that we don't get too far ahead of ourselves and I will stop the applicant, I'll stop the expert, and I'll open it to the public for questions. When I do that, those questions initially will be for the testimony that has been provided. So, for example if we are listening to an engineer and talking about a water system for example, that's not the appropriate time to ask questions about traffic. There will be…soon there will be a traffic expert. I'll make sure the testimony does not go too long without interrupting so that the folks from the public can ask a question about the testimony that has been delivered. We will go through this process throughout each expert as they come up and at the end of the application, when the attorney has told me that he has completed his testimony, I will then again open it back to the public so that anybody in the public can make any comment about any part of the application that they like. But, please remember when you are coming up to ask a question; please phrase it in a question. It's not the time to give an opinion. So when I open it to the public to ask a question about the testimony that they've heard, please use the opportunity to ask a question not share an opinion. And again, I promise you by the end of the application, I will give you plenty of opportunity to tell us how you feel, to give me your opinion, to bring in any other testimony you think might be important for us. So with that being said, I am going to bring up the attorney for the application, Mr. Michael Salvaggi. Michael, welcome back.

MR. SALVAGGI: Good Evening, Mr. Chairman. Michael Salvaggi from Lavery, Selvaggi, Abromitis & Cohen, here on the application for Lot 8 and Block 3109. This is a Use Variance and Preliminary Site Plan Application. The Use Variance is necessary because the property is the most easterly lot in your PB Zone and which is a zone that was put into effect in 2000 its uses obviously do not include what the applicant is proposing which is a convenience store. The property as many of you know and will hear was a site of a former gas station for a number of years…was a Shell Station…I believe was the last station that was there. In 2003, there was an application brought, there was an appeal…and at that point the board, the Zoning Board, before there was a consolidation, adopted a resolution which indicated that that gas station had not been abandoned nor substantially destroyed. That was the last activity on this property since 2003. So, what we are trying to is do as the application indicated put in a 7-Eleven. Interesting enough, if the property was a mere 75 feet to the east, that use is in fact permitted across the street…across the street it's permitted…because that use is recognized in your C1 Zone. What that means is we have to present evidence that satisfies both the positive and negative criteria. We have to demonstrate that there are special reasons which show that the use is particularly suited for the property and in fact promotes the general welfare. While doing that we also have to show the negative criteria which is quite simply that there no substantial detriment to the public good and that there's not a substantial inconsistency with your Master Plan and Zoning Ordinances. The road map for how we proceed will be our Civil Engineer will testify first. And he will talk about the property as it is now and what's proposed. We'll then have a representative from 7-Eleven speak to you about what's proposed from an operational stand point. We'll have traffic…and Mr. Dean who submitted a report along with this application will testify and then we'll finish up with the professional planner, Jessica Caldwell. We've received the reports from your planner and your engineer; we'll address those as we move forward, as well as the Health Department had issued a report as well which we will address. So Mr. Chairman, what I'd like to do is start right in and have Mr. Glasson sworn and he will take us through explaining what's there now and what will come.

MR. WEISS: Perfect. Before we do that, I just realized Mike that I omitted just some basic homework here. I want to…I haven't formally introduced. Kim, that's ok. It will only take a second. Just have him formally introduce the application so maybe for transcription I'll just create a record to

show that this development matter is Application PB 16-11, Budd Lake Three Investors, requesting a D Variance/Preliminary and Final Site Plan with Variances as you said, property is located at 118 Route 46, Lock 3109, Lot 8. And therefore, we are ready for you now, Mr. Glasson.

MS. NATAFALUSY: Also, that Mr. Van Ness has arrived.

MR. WEISS: And for the record, Scott is here. Thank you, Catherine. So, let's swear you in.

(JAMES GLASSON SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name spelling your last name and giving your business address for the record please.

MR. GLASSON: James Glasson (G L A S S O N), Civil Engineering, Incorporated, 1 Cove Street, Budd Lake, New Jersey.

MS. COFONI: Thank you.

MR. SALVAGGI: Mr. Glasson, as you're setting up, could you let members of the public and board know what your qualifications are as well as your experience…

MR. WEISS: Mr. Salvaggi, that won't be necessary. I think we can waive that process. Everyone here has heard Mr. Glasson, knows who he is, and is seen as a…

MR. GLASSON: Thank you, Mr. Chairman.

MR. WEISS: We will certainly accept Mr. Glasson as an expert engineer for this application.

MR. SALVAGGI: Alright, Mr. Glasson, what are we looking at on the easel?

MR. GLASSON: You are looking at slightly colored version of my sheet 2 of 10 that you have in your plans.

MR. SALVAGGI: Ms. Cofoni, I mean, it's different than what's been submitted to the market.

MS. COFONI: Yes, please.

MR. WEISS: So, it's colorized version of sheet 2 of 10.

MR. GLASSON: 2 of 10, yes. A-1.

MR. SALVAGGI: Yes.

MR. WEISS: Yes.

MR. SALVAGGI: And what's the title of the plan or the page, excuse me?

MR. GLASSON: Sheet 2 of 10, existing conditions in the Environmental Plan dated 3/28/16, last revised 5/5/16.

MR. SALVAGGI: Alright. And why don't we explain Exhibit A-1

MR. GLASSON: I just want to take you through what presently exists on the site first then I'll go into what we're looking to do. Again, lot 8 block 3109 is shown on sheet 31 of the township tax map, the property in question, page 16,062 square feet of lot area located in PB which is Professional Business Zone. The PB Zone like it said allows for offices for both medical, professional, and scientific; allows for barber shops, nail salons, beauty salons, child care, and public uses. At the present time, there is a structure on the property. That was previously a Shell Gas Station. The property itself is located at the northwest corner of the intersection of Woodland Avenue and New Jersey Route 46 on the westbound side of 46. The property has approximately 128 feet of frontage on 46 and an additional 92 feet of frontage on Woodland. The structure that exists out there right now is about; let me give you some rough dimensions, about 57 ½ feet long by 29 feet deep. It is a single story structure, a block and wood frame structure previous site of the gas station. Its located 71.6 feet off the front street property line of 46, located 42.9 feet off of Woodland Avenue and 29.3 feet off of what I'll call a right side and 9.4 off the

left. Kind of a unique property in that it is a corner lot and the zoning for a corner lot requires if you have two fronts, you have sides, you don't have a rear. So we are treating this as front yard setback on Woodland 40 feet in the PB and the front yard setback on Route 46 which is 40 feet and the remainder of the setbacks on the other sides are 25 feet, you don't have a rear setback. The rear in that zone is 30; it doesn't apply in this situation. In your PB, your minimum lot size is 1 acre, your minimum lot width is 200, your minimum lot depth is 100, and your maximum impervious coverage is 40 percent. Right now, out there the existing impervious coverage on this site is 78.25 percent. So it's almost doubled the allowable in the PB Zone. Again, this is a pre-existing PB Zone. It was a C-1 Zone when the gas station was effective on the property. Building coverage allowable is 15 percent and the floor area ratio allowable is .15. That structure that is out there right now has a floor area ratio of .104 based on the 1,674 square foot…inaudible…so that's under the .15 max allowed in the PB…it still conforms to the PB Zone. It does conform to PB Zoning again, on that…on both frontages it does conform to PB Zoning on the right side of the 29.3, the left side being efficient at 9.4. There is a large area out there right now of pavement and some of it is gravel. The tanks that were out there at the station were taken out but there is a paved area out there right now with about 9,600 square feet and then there's miscellaneous sidewalks, curbs, building overhangs, and under 1,244 that brings you to 12,570 square feet of existing impervious coverage on the site which makes up that 78.25 percent. Right now for utilities, the property is served by an on lot well that's located within the parking lot in a manhole. There was a report issued by the Health Department about that. I'll address that with what I'm proposing. There is also a sewer connection to the Budd Lake Sewer System that comes out the rear of the building with a lateral and connects to the sewer main located within Woodland Avenue. Right now there are three curb opening that exist for the property. There's a curb opening that exists on Woodlawn Avenue, as well as two curb opening that exist on Route 46. The property is served by an overhead electrical line from a utility pole across Woodland. Right now there is the availability of natural gas in front with the gas there presently. Adjacent properties, as Mr. Selvaggi said, we are extremely close to C-1 Zoning. C-1 Zoning would be to our east. Directly across Woodland Avenue is George's Liquor and Deli in a C-1 Zone on Lot 1, Block 31…3110. Behind us also in the PB Zone, but a residential home, is located on Lot 7, Block 3109, as you travel in a westerly direction around our property going counter clockwise, there is a vacate property on Lot 6, Block 3109. Then directly adjacent to us, to our west, is the diner located on Lot 9, Block 3109, and the Budd Lake Diner. That is also in the PB Zone. When you look across 46 directly opposite us, are uses that are located in your C-1 Zone. Directly across the street is the Golf Shop and Barber Shop further to the west is an Urgent Care and further to the east is a service station, a PB Service Station. That really gives you an overview. The site is incredibly flat. Right now the drainage from the site, storm drainage from the site, there is no drainage on the property, but the storm drainage from the site travels overland to inland so that Woodland and Route 46 so there is no…presently no storm system that exists on the site. That probably gives you a pretty good overview of what's out there right now. The only thing that I'll mention different is these pink areas that I show on the plan. There are three easements that are either encumbers the property or the property has rights to. The back easement, this triangle shape right here is a recreation easement between the owner of Lot 7, Block 3109, and the owner of our subject property Lot 8, Block 3109. It's a triangular shaped area of about 1,567 square feet. I would assume, based on the language in it, it was done to give the owner of that property back yard at some point. They only have about nine feet off the back of the house to the property line. So I assume there was some type of agreement to have an area that they could basically obtain a back yard. The fence that out there right now is set off the property line much closer to the gas station, the structure that was a gas station so there was a grassy area, a yard area that looks like it exists for this house but is actually owned by Lot 8, Block 3109. To the westerly side, there is a parking easement that benefits our property from Lot 6, Block 3109, I take it at some point there was parking that took place at the service station on that left side of the structure. That was a parking easement that was granted to the service station. In the front I have another triangular shaped area as well as a dash area. There's crossed ingress/egress easements between the diner property Lot 9, Block 3109, and on property Lot 8, Block 3109 to maintain access and to maintain these open areas for access across the properties. Mr. Selvaggi can comment more on those if there are questions but that's what I understand those easements to be. If I could now turn to our proposal and kind of go through what we are doing…sheet 3 of 10…inaudible…

MR. SELVAGGI: Mark that A-2.

MR. GLASSON: Again, as Mr. Selvaggi stated we are proposing to redevelop this property as a site of a 24-hour convenience mart, 7-Eleven, occupying the existing structure that's out there with slight modifications to the building. The lighter blue shaded structure here represents the existing building and the darker blue represents two additions to the structure. The first addition is in the back right corner or the northwest corner…or the northeast corner; excuse me, of the building. It is a 10 by 30, 300 square foot addition. It increases that side from 29 to 39 feet, but more importantly it is a condition that creates a variance for us. We did have a 29.3 foot setback to our sideline; we are now at

29.7 so that is one of the variances that we are requesting from the 25 foot side. Again, we have two fronts and we have sides on the remainder of the property. The second addition we are proposing is to the left side or the westerly side of the building, its 6 ½ foot by 28 foot addition, 182 square feet. It actually doesn't get closer that the appendage that sticks out from the existing building. The existing building has a slight jog in this corner, closest is 9.4 but our structure itself is filling in an area that's within the 25 foot setback. So that is another variance situation. The addition of these two square footages is 482 square feet. It increases the building to 1,674 square feet total. And that becomes a floor area ratio .134 where .15 is allowed. So it's still under the floor area ratio allow ability. It does not change our front setback to 46, it does not change the our front setback to Woodland Avenue, it does not get any closer on our westerly setback than the existing structure which is currently 9.4 but it does fill in an area within the 25 foot setback on the westerly side. The encroachment for a variance is in the rear…did I say the rear? It's actually the side. This only has a side, but is it to the rear facing portion of the structure facing Lot 7, Block 3109. Again, the increase is from 29.3 to 21.7. Along with the building structure, we've proposed a complete modification of the parking lot. We have closed up one of the openings along Route 46, the opening that was the closest to the lighted condition. We've provided a defined ingress/egress off of Woodland Avenue 30 foot wide. We've maintained an isle way through our site and we've provided an ingress/egress back on out on to Route 46. Somewhat in proximity to what is presently out there but more defined and actually pulled away from the property lines somewhat. Again, we have to respect that access easement so the curbing that falls within the access easement between these ingress/egress…between these two properties, is a mountable curb. The reason that is is because we have to…according to what the way the easement description is defined, we have to allow this area be passed through. So we cannot block this off with curbing. So we have proposed mountable curbing in this small area, not in the rest of our site. The rest of our site we proposed Belgium block curbing around our site, the concrete curbing in the state right-of-way. What we have in the area respecting this easement that exists here just proposed mountable curbing in those areas so that can be…I guess, driven across. It has to be…that access has to be maintained. We have proposed a directional island out of this property so there will be…it would allow ingress/egress, right left hand turns out of Woodland Avenue to a lighted condition. There is a lighted condition right here. At the corner of 46 and Woodland, but we have directed cars to a right turn only out so that they are crossing two lanes of traffic to make a left hand turn. So if someone wants to come into this mart, they would maneuver so that if they want to go in an easterly direction they would have to exit to the lighted condition on Woodland, we felt it was much safer. We have 15 proposed parking spaces located within the front right hand side or in the two fronts of the building. I'll say the right hand facing the building, we have two spaces in that right hand space, the majority of the spaces are out front, the other 13…those spaces are based upon the ordinance 1 per 150 for retail use. We need the 15. We have 15 proposed. We have six spaces at 10 by 18, and we have eight spaces at 9 by 18. Those spaces at 9 by 18 do require a waiver from the space size. Your ordinance requires 9 by 20 or 10 by 18, so we have eight spaces at 9 by 18. We have a van accessible handicapped space with handicap access directly to the front of the building here. There is different shading that you see on this plan. I'll explain to you…the grey represents asphalt and this asphalt that exists to the left here is the asphalt on the diner. The asphalt that you see here in the light grey is the asphalt that we are proposing on our site. The dark grey is actually concrete. That matches the color that you see around the building because we have a five foot wide concrete wall. 7-Eleven has customarily done their front parking area in concrete as opposed to doing it in asphalt and I asked the question why to them and was informed that it holds up better. It's still going to stripe it, it's still going to be parking spaces, but they would rather have the front spaces in concrete. So that's why that's different along the front face of the building is concrete. Again, those 15 spaces along that building face, 7 of those are in concrete. The corner of the concrete area right here is actually striped because it is a maneuvering area. If you look at the left hand corner of the plan that you guys have on Sheet 3 it has WB50 Turning Movement Detail. What is does it enables a WB50 Tractor Trailer to enter the site from Woodland Avenue and be provided a loading zone off to the right hand side of the building. And that loading zone is directly in front of two parking spots. Those two parking spots we have designated as our employee parking. We assigned them accordingly because if a truck is in here, a WB50 Truck pulls in here, backs into this loading space, he would block those two spaces. So we are not going to block public spaces. It would be for the two employees in the store. The loading space is 18 by 55. The ordinance does require 10 by 60. Fifty-five feet can accommodate the WB50 Tractor Trailer without interfering with this 25 foot isle way as I show on my detail. We show on the detail that the truck can enter in off Woodland, it can back into this loading spot without encumbering any of the flow of the traffic through the site. Other than those two spaces that will be employee spaces, it would offload and then has the choice to go either east or west bound when it pulls out on Woodland…inaudible. The tractor trailer really would not have the ability to pull out at the 46 opening without going over the mountable curb island. So we'll direct the tractor trailers to the light. The total impervious coverage that's proposed with the paving area is 6,974 square feet of pavement. We have 1,699 square feet of concrete including the sidewalk. We have a five foot sidewalk on the front face of the building as well as on the right side. The total impervious on the site becomes 11,840. It's a

reduction of about five percent. Our impervious coverage goes to 73.71. It still exceeds the PB Zoning but it's a reduction from what presently exists at 78.25. With regard to our utilities, we would like to continue to utilize the well. Although we realize based upon the report that the Health Department issued, there seems to be no record on this well. The well would have to be tested. It would have to be…a pump test would have to be conducted. They would have to prove to the Health Department that the manhole that houses it is water tight and that the well would pass the town's requirements. If not, a new well would be built. The well would be approximately in the same location…inaudible…we would continue to be served by the sewer system, the Budd Lake Sewer System, that runs across the back and connects to Woodland Avenue, that would not change. We are changing our utilities from an overhead line that presently is across Woodland from a pole that is located in front of the site, to underground and we have an underground gas line proposed. The major change to our utilities is we are proposing an on lot storm drainage system. Right now there is no drainage. As I said previously, there's an inlet that out in Woodland and there's inlets that are further down on 46, we are putting inlets within our site, taking the majority of our paved area, which right now this entire paved area in route flows to 46 and Woodland and taking in the entire roof area piping that underground and taking the majority of our paved areas into inlets piping them underground to an infiltration system like we designed over here under the parking lot in these two parking spots. It's a 10 by 20 excavation, 284 inch deep, 8 foot diameter; precast…we did soil testing out there. The material was bone dry, excellent down to…I think, it was 160 or 170 inches. It was actually a really sandy gravely material. That would infiltrate 100 year storm and it would reduce the flows for the 2, 10, and 100 year storm off site below at present what the standards are now. And it adds a good measure of success with regard to reducing the storm water. Right now there is nothing out there. We really didn't have a choice to tie into the 46 system. We elected to infiltrate here and we just have an overflow tied into a catch basin at Woodland. For our landscaping…landscaping in the front of the building was kind of tough only because they do have some island area out here that are right along the 46 corridor. We have choose to put in river rock, decorative river rock and put landscaping, has to be low ground covered landscaping so we actually choose to landscape…I believe we're using boxwood, spruce, and junipers along the front within…instead of planting grass, or instead of woodchips, we elected to put river rock…decorative river rock in this whole area because of the fact that the plows come up down 46 and it's kind of tuff to mow grass in that area. As you come around the site, over here we were able to do some landscaping and do some grass areas. We have two red maples on this side and have additional junipers and along the back, I know Mr. McGroarty had comments about this in his report, we have the requirement of a 30 foot buffer between us and what is a residential use on Lot 7. We kind of debated how to handle this because we didn't know whether or not to put the buffer in this recreational easement that's between the two properties or push it…we only had certain distance between our building. But right now, we've replaced the fence that was there with a new fence and we've provided staggered planting on either side of the fence six to seven foot high, green giant trees just to provide a buffer from us but also to utilize or respect this recreation easement and leave a backyard for this home. We've, I believe, there's 58 of them that travel along this property line around the dumpster area. The dumpster area that we are proposing is 96 square feet. It's located at the end of this loading zone area. It's 8 by 12 and it would allow for a garbage truck to pull in and back into this area for refuse pickup. But that loading area is screened and fenced with gates as well as having a six to seven foot high green giants around. That really is the extent of our landscaping. Other than that grass area being cleaned in the rear, and on the recreation easement, and those grass areas located on the left side of the building that's present….inaudible. Lighting, we have three pole mounted lights proposed, 18 foot in height. There the dark boxes that you see here, one, two, and three. We have two building mounted lights that go on the front and the pole mounted lights are the height of 18 feet. The two building mounted are a height of about 12 feet. We do not have lighting in the rear, trying to respect our neighbors in the rear and not cast light on the residential use. The only lighting that would be back there would be for any doorway that would be out the back…that would not be…inaudible. Our lighting, again, would be a variance because technically our lighting would go for 24/7 and our lighting would not be off from dusk to dawn. So that would be another variance situation. Signage we have a proposed free standing sign that sits out in this corner. It's a two sided sign. It's seven foot by approximate 7 by 7, 49 square feet its 15 feet from the base of the sign to the top of the sign and setback about 11.2 from the closest feet from the right-of-way. We have a building mounted sign proposed over the front of the building, the front door of the building. That sign is 13.77 by 2 feet, 27.5 where 45 is allowed. So, it's about half of what is allowed. And the allow ability is based upon five percent of the building face. So, the building face in front here when added up is allows for us to have a 45.6 square foot sign area. We've proposed a sign of 27.5. Today I added up just so we don't…we don't have a sign proposed on this side. We technically have frontage on this side, we could based upon the five percent have a sign on that side of 35 square feet of area but we do not have one at the present time. But, we have proposed…if you look at your sheet, I believe it's 8, Construction Detail Sheet, it shows a rendering of views of the building and it shows a chimney that sticks up, in kind of this center portion of the building, and it shows two – five by five signs on that chimney, two 7-Eleven five by five signs and both of those would be variance conditions. I guess we

could remove those and add more signage to the side, those seem to be less intrusive because they fall kind of within the building off the roof line, those two…the face of the building…where a building sign would be allowed.

MR. FLEISCHNER: Mr. Glasson, are those signs going to be lit 24/7?

MR. GLASSON: I'll let 7-Eleven talk about some of that stuff…a representative talk about what hours and lighting. Wait for that. If I can kind of list the variances for you that we're looking for, I hope to kind of see where things are right now. Lot coverage 30 percent is the max in this PB Zone, 78.25 is existing, 73.71 although we are reducing it, it still needs….still is a variance condition. Our lot area 1 acre is required in your PB Zone, we have .369 is an existing condition…cannot be changed. Lot width requirement of 200 feet, we have 129.47 feet on Woodlawn and 130.87 or 83 on Route 46 both of those being existing variance conditions. One of the conditions that we need a new variance for again was that side setback on the northeast side of the building, 25 is required, we have 29.3. We are reducing it 21.7, so that's a new variance condition. The opposite side, although the setback as I said earlier, is currently 9.4, this area that we are filling in basically falls within that 25 foot setback so that would be a variance condition. Although it's not the closest point, the 9.4 that's existing is…that is existing. The PB Zone does not allow for a trash enclosure cannot be located within the front side or rear setback, we have a trash enclosure located here; it's actually in the front yard technically on Woodland Avenue at 1.5 feet off the property line so technically that's a variance because it's in a front yard area. We also need the variances I just stated for the chimney mounted signs. We need a variance for the landscape buffer. The landscaped buffer we could've increased to 30 feet and I'll let other people comment more on that but the 30 feet we're deficient on we've tried to provide that fence with stagnant planting and six to seven foot high green giants, but we're trying to leave the area for the adjacent property. And then the other thing was lighting off between 11:00 pm and 7:00 am we are filing that by being 24 hours.

MR. WEISS: Jim, are you going to include the parking spaces as…

MR. GLASSON: Yes, they're waivers. I was just going through variances, now I'll go through waivers. We do need a waiver for parking setbacks. First of all the parking setback in the front, the requirement is 25 feet. The existing is 3.7. We're slightly increasing that to three feet. That is not the distance to the Route 46 corridor. That is the distance to the property line. There is another 10 feet to Route 46. So, it's actually 13 feet from curb line to curb line, but it's three feet off of our front property line or 3.7 exists. Our side setback…we need a side setback variance for parking because 10/15 feet is required; we need a setback variance in this corner because we're actually .5 feet from the property line. Although if you notice, this piece of property that's adjacent to us is the diner and that's all paved. So we are actually requesting a variance to put curb…parking within .5 feet of the property line where all that area is essentially paved.

MR. WEISS: So, Jim, is that a variance or a waiver?

MR. GLASSON: A waiver, a waiver. Our parking space size is a waiver because we are proposing eight of those spaces at 9 by 18 where your ordinance requires 9 by 20 or 10 by 18. Technically our loading space size is a variance. We have a 55 by 18 loading space, 60 x 10, so we have a loading space that accommodate our truck and is wider than your ordinance it just isn't as deep as your ordinance requires. But is accommodates the WB50 Tractor Trailer that we would have on site. And really that…and actually the loading space is technically in a front yard. Because the loading space, although it's on the side of our building facing 46 this is technically a front yard so that would be a waiver for a loading space in the front yard. That really kind of lists our variances. Our approvals that we need, we have an exception for the Morris County Planning Board. We received our Morris County Soil Conservation District Approval. And we have yet to submit to the DOT which we have to do for these changes that are (inaudible).

MR. FLEISCHNER: Mr. Glasson, how many variances? Eight or nine?

MR. GLASSON: New variances or…

MR. FLEISCHNER: You're asking for variances.

MR. GLASSON: I'll let Mr. Selvaggi…

INAUDIABLE

MR. SELVAGGI: I had two side yard, the trash enclosure in the front, the lighting 24/7, that's four.

MR. GLASSON: Right.

MR. SELVAGGI: The chimney signs.

MR. GLASSON: Right, and the landscape buffer.

MR. SELVAGGI: And the landscape buffer. So if you count the chimney signs as two signs that would give you seven.

INAUDIBLE

MR. SELVAGGI: And well…and then the other one…let me…so we're clear, the lot coverage even…

MR. GLASSON: It's still a variance.

MR. SELVAGGI: Yes, because it's changed from a pre-existing condition. It is a variance.

MR. GLASSON: The two we cannot change are the area and width.

MR. SELVAGGI: Yes, and the use itself.

MR. GLASSON: And the use itself.

MR. SELVAGGI: So there are eight bulk variances and then the overriding use variance.

MR. WEISS: Gene, you had a comment.

MR. BUCZYNSKI: Just two items, Jim, if you are close to the end of your testimony. I probably should have addressed earlier is the checklist waivers. That wasn't discussed yet.

MR. SELVAGGI: Oh. Ok.

MR. BUCZYNSKI: And I think you want to give some testimony on Woodland Avenue.

MR. GLASSON: Yes, Woodland Avenue you can see on my plan is actually shown slightly wider. There is a potential for Woodland Avenue to be widened by another developer has a concept into the town so I've shown Woodland Avenue already being slightly widened on both sides as opposed to my other view that's on the same plan that you have I show the entrance over here with Woodland Avenue with no light. It's no different other than the fact that this curb line on Woodland now gets closer to our property line. So I try to show what would happen in the future in the plan because we are not really sure when this is going to happen but I'm also showing it over here if it doesn't happen at an immediate time at that….will Mr. Simoff oppose that?

MR. BUCZYNSKI: Right.

MR. GLASSON: And we've obtained a copy from Mr. Buczynski and we've shown it both ways. So we showed it with either the widening taking place on Woodland Avenue or, and I believe, the lot widening is taking place to provide a right and left hand turn at the light. So that's the reason for the widening because they are anticipating the flow of traffic and enabling a right and left hand turn with two turning points out to that light. I have shown both ways just so we can show that it works.

MR. WEISS: Gene, did you have anything else?

MR. BUCZYNSKI: No. I don't know if you want this. Do you want to go now or wait or go over the checklist with…

MR. SELVAGGI: The checklist request was the submission to the DOT. Because of the fact that you need a use variance, it's not a permitted use, submitted to the DOT there's an expense associated with it…as Mr. Glasson just testified to. We did all the designs in accordance with DOT standards. We just asked for a waiver from the actual submission. Obviously that would have to be…if we were

fortunate to get an approval that would be a condition of the approval and Mr. Dean, Gary Dean is our traffic consultant…he can certainly expand upon it…he feels comfortable…and we're not asking…you don't have jurisdiction over in any way in terms of whether that approval is appropriate or not but merely for purposes of completeness and the checklist waiver.

MR. BUCZYNSKI: Should I go over my report now?

MR. WEISS: Please.

MR. BUCZYNSKI: Most of the items have been addressed by Mr. Glasson's testimony. So I'll just go over…B on Page 2…B1 the minor revisions to the plan cover sheet, we've discussed the DOT. Have you addressed the fire lanes with the Fire Marshall yet?

MR. GLASSON: No. We have to do that.

MR. BUCZYNSKI: That's number 5. Item 6 was address. Item 7 was addressed by Jim. Item 8 was discussed. Nine, was there was stormwater management system which was discussed just that one proposed change, Jim.

MR. GLASSON: Yes.

MR. BUCZYNSKI: Item 10 was discussed. Going back…going to Page 4, unless I missed it, Jim, I didn't see any detail for the foundation for lighting.

MR. GLASSON: No, there isn't. That's my mistake. There is not a pole detail or a foundation detail…

MR. BUCZYNSKI: Ok, and 13 was discussed. I mentioned about additional possibly…additionally abrovitae along the southwest property line. Can that be addressed?

MR. GLASSON: Yes.

MR. BUCZYNSKI: 14 concern regarding the parking…the concrete parking pad as far as the concrete revise it to 4,000 PSI.

MR. GLASSON: No problem.

MR. BUCZYNSKI: You addressed the Health Department. Just address the Woodland Avenue design. In both designs work with the site plans, which is good. Permits…DOT has discussed connection Budd Lake Sewer System. Approval from township, approval from Mount Olive Health Department for the well. That's all I have. Most items were addressed during his testimony.

MR. WEISS: And I see on Page 3, Number 11, I'll save that for the Traffic Engineer.

MR. SELVAGGI: Yes.

MR. WEISS: Ok. I just had a question for you, Jim. A vehicle that is traveling east bound on Route 46, what will prevent that car from…from turning left into the 7-Eleven from the highway?

MR. GLASSON: It can…

MR. WEISS: It can.

MR. GLASSON: The only prohibited movement is a right hand turn is only allowed out. You can still take a left. You can't prohibit them from taking a left there to go in…

MR. WEISS: Why?

MR. GLASSON: By sign, that's all that can be done…by sign.

MR. WEISS: Is there any plan to put a sign that says no left turn?

MR. GLASSON: No. We were not prohibiting that.

INAUDIABLE

MR. VAN NESS: If the traffic light…if the traffic light in it of itself will give a natural opportunity to make the turn safer.

MR GLASSON: Right a buffer.

MR. WEISS: Which is why maybe we should prohibit a left hand turn from 46 before the light?

MR.SCHAECHTER: But the Budd Lake Diner has…

MR. VAN NESS: The light would actually make a stage for you to make the left hand turn.

MR. WEISS: Ok. Alright.

INAUDIABLE

MR. WEISS: Anybody else have any questions for Jim…for the testimony? Let me…let me…anybody else have a question for Mr. Glasson? Let me do this; let me open it to the public. If anybody has any questions for Mr. Glasson based on the testimony that he delivered this evening, if you'd like to you can come to the podium state your name and address for the record and present any question. Sir, please. Mam…if you would, you can come up here to the podium. Use the microphone please, you'll state your name, spell your last name.

MS. CALANDRA: Good Evening. This is new for me. I wondered why they are…

MR. WEISS: Hold on if you could, mam. Say your name.

MS. CALANDRA: Oh, I'm sorry. Marilyn G. Calandra (C A L A N D R A). I live at 15 Netcong Road, Budd Lake.

MR. WEISS: Ok. Thank you, Ms. Calandra.

MS. CALANDRA: I had a question about the PB Zone. That's for Professional Business, and why is the variance being changed…from what it was?

MR. WEISS: Ok. So you're asking why is the zone being changed. Why do they need a use variance?

MS. CALANDRA: Yes.

MR. WEISS: Jim, why don't you…

MS. CALANDRA: What would it be changed to?

MS. COFONI: The zone is not being changed. The zone doesn't allow the use that they want to put on the property and that's what requires a use variance. So it's an additional approval that they need because the use that they are proposing isn't permitted where it is. So the zones not going to change….

MS. CALANDRA: It still would stay a PB Zone?

MS. COFONI: Right. And just this particular property would this particular use as they are proposing it, if it were to be granted, would be permitted there. It wouldn't change the rest of the zone.

MS. CALANDRA: Ok. We already have a convenience store in the slot where you come off from Kennedy's Tavern there…and that's ok there but I question where they are putting this. It's already a disaster area for accidents. Especially at the traffic light and my house faces that whole thing. Every time you hear a bang out there you just get up and know there's an accident there.

MR. WEISS: Ms. Calandra, like I said earlier. We're going to give plenty of opportunity for opinions and comments. If you have a question, now is the time for the question.

MS. CALANDRA: Ok. Can I use the picture?

MR. WEISS: Yes. Sure. Mr. Glasson will help you with that.

MS. CALANDRA: I'm not used to this.

INAUDIABLE

MS. COFONI: She's Lot 15, 3106.

MS. CALANDRA: There is a driveway here where the…now will they be going in or out of that?

MR. GLASSON: Both directions.

MS. CALANDRA: Both directions.

MR. WEISS: Did you get that, Catherine?

MS. NATAFALUSY: I need you to speak up.

MR. WEISS: Hold on, Ms. Calandra, if you could please speak into the microphone.

MR. GLASSON: She asked if the driveway on the Woodland would be an in and out. And yes, I'm saying that the proposed driveway on Woodland would be both.

MS. CALANDRA: Well, I find that area terribly congested as it is now and I'm concerned about that because there's one way in from 46 and one way out to 46. And that's it.

MR. WEISS: Ms. Calandra, I don't want to frustrate you. We'll give you plenty of chance to give you that to give us that opinion.

MS. CALANDRA: Ok.

MR. WEISS: I know you asked the question. Mr. Glasson answered the question. Feel free to ask another question.

MS. CALANDRA: Ok. Where would the dumpster be on that property?

MR. GLASSON: There is a dumpster right here.

INAUDIABLE

MS. NATAFALUSY: Can you speak into the mike please?

MR. WEISS: Jim, maybe you can move the podium closer so…because we can't hear. We are trying to record the conversation. There you go.

MR. GLASSON: She's asking where the dumpster area would be in proximity, I guess, to your home.

MS. CALANDRA: Right.

MR. GLASSON: The dumpster area would be along this property line here separated by Lot 7….that other lot is between you and that dumpster…

MS. CALANDRA: The reason I ask that is because we have the convenience store where the mini mart is and the trucks come in there and they…it's a big green truck…and it slams into the dumpster. It wakes everybody up at 5:30 in the morning. And the one also by the diner, the neighbors hear that, and now we're going to have another one there. So that was my concern on that. With another convenience store in the area, I don't know what…inconvenience it would be to our living area. Because we are all homes in there, and I have to go around my property all the time…

MR. WEISS: Ms. Calandra, I just have to stop you. I am very sorry.

MS. CALANDRA: Ok.

MR. WEISS: Questions. I promise you I'll give you a chance to come back up again and tell us how you feel. Anybody else from the public? Sir, again if you'd state your name and spell your last name for the record.

MR. CATALDO: Name is Phil Cataldo (C A T A L D O), I live in Budd Lake. Waterloo Road, right near you.

MR. MANIA: Could you speak louder, please?

MR. CATALDO: Louder?

MR. MANIA: Yes. Louder.

MR. CATALDO: Wow. Put your hearing aid up. Let me see. I was just asking is there…coming east on 46 at the Woodland Avenue traffic light…there's a traffic light on 46…there is a sign that says "No Left Turn"…up on the lights. Am I mistaken there? Is that another section…going east…going east on 46.

MR. WEISS: There's no sign there.

MR. SCHAECHTER: There's no sign there.

MR. CATALDO: Ok. I must…ok. I just want to know.

MR. SCHAECHTER: It might be Mount Olive Road or Sand Shore Road.

MR. CATALDO: Yes. I might have it confused with another…ok.

MR. WEISS: Thank you. Anybody else from the public have any questions for Mr. Glasson?

MS. JELAS: Hi guys.

MR. WEISS: Hello.

MS. JELAS: I'm Fay Jelas, and I'm from the Budd Lake Diner.

MR. WEISS: If you would, please spell your last name.

MS. JELAS: J E L A S. I just want to ask you. We own the house behind Lot 7…I mean Lot 309…3109, Lot 7…I just want to ask you if any of you would like to have a 7-Eleven behind in your back yard.

MR. WEISS: There will be a better time to ask that question.

MS. JELAS: I know.

MR. WEISS: And that won't be answered but this is a question for Mr. Glasson based on the testimony that he delivered.

MS. JELAS: Oh, he painted a very pretty picture. But for…we are there 30 years…I've see everything. He painted a very nice picture but it's not so in everyday life.

MR. WEISS: Ok.

MS. JELAS: Unless, you know…I'll come up later and ask all the questions…the traffic, the crowds that hangs around 7-Eleven, and everything. But I wouldn't want to live in my own house if I ever have to live there.

MR. WEISS: Well, plenty of opportunity to share those opinions.

MS. JELAS: Ok. Thank you.

MR. WEISS: Thanks. Sir, if you would come up, state your name for the record, spelling your last name.

MR. STANFORD: Richard Stanford (S T A N F O R D) I live in Second Street for 50 years and I'm still paying taxes there…trying to get in and out. However, this seems like a very small lot to have so much on. Now if we put 15 parking spots…is that what you said? And all these other things on the lot, how much space is going to be left to maneuver? Are we going to be able to maneuver around? How many employees do you have? And where are they going to park?

MR. WEISS: Mr. Stanford, I think Mr. Selvaggi and Mr. Glasson explained that there will be representatives from 7-Eleven to answer that question.

MR. GLASSON: I can answer with regard to maneuvering. All the maneuvering of entering and existing inside the isle ways that the town requires which is 25 feet, the access for a tractor trailer, all of those are shown on the plan…so there's no problem getting in and out of the parking spaces. The fifteen spaces are all accessible. The only two spaces that would not be accessible would be when a truck delivers…there's two actual employee spaces designated on this side. Then…the only…there's going to be two employees at the store, they will park in this position. There's another 13 spaces that are completely accessible in the front. These spaces are accessible as long as the tractor trailer is not there. When the tractor trailer is not there, the 25 foot wide isle way is maintained. So, the representative from the 7-Eleven will talk about how long the tractor trailer is there. But these two spaces are the spaces for their own employees.

MR. STANFORD: You only have two employees?

MR. GLASSON: I'll let him comment on the number of employees. But I will tell you those are designated as employee parking…

MR. WEISS: Anybody else from the public? Sir, if you would, come to the microphone, state your name, spell your last name for the record.

MR. PATEL: Good Evening everybody. My name is Samir Patel (P A T E L). I own the Minute Mart on the 3 Netcong Road. And I have a couple of questions. One is how many waivers are being sought for this available?

MR. GLASSON: Five waivers.

MS. COFONI: Five? I come up with four.

MR. SCHAECHTER: I have parking setback, side setback…

MR. GLASSON: Parking front and side. Parking space size, loading space size, and loading space in front…

MS. COFONI: Loading space in front yard? Ok.

MR. PATEL: Regarding that truck question, I also have a question. When it makes the right turn and left turn back onto Woodland, would it not block the existing traffic from flowing in?

MR. GLASSON: Turning over here? Turning over here would not block the existing traffic…it was going on to 46. It shows it you exactly the turning…we have it on here…so which direction are you talking about? If the truck pulls in this way, backs in here and pulls out goes this way or…it won't block traffic. It will cross over 46 because it has to when the light changes, it has to cross 46.

MR. PATEL: So, it will create congestion but…

MR. GLASSON: Right, but it still…when it turns it has to make it across 46.

MR. VAN NESS: Mr. Glasson, the truck maneuvers, the maneuvers that you show on your plan is that for the existing conditions or…

MR. GLASSON: Proposed conditions. Oh you mean…

MR. VAN NESS: The possible improvement that can come down the road.

MR. GLASSON: That's for the proposed condition but it will work for the existing condition.

MR. VAN NESS: Thank you.

MR. WEISS: Anybody else, anyone else from the Planning Board? Alright, let me close it to the public. Jim, I take it you're done with your testimony.

MR. GLASSON: Yes.

MR. WEISS: Let me turn it over to you, Mike.

MR. SELVAGGI: Yes, I would now like to call a representative from 7-Eleven.

MR. WEISS: If you will, Sir, we will swear you in.

(STEWART KIMMEL SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name spelling your last name and giving your business address for the record please.

MR. KIMMEL: Stewart Kimmel (K I M M E L), 1600 Commerce Parkway, Mount Laurel, New Jersey.

MR. SELVAGGI: Mr. Kimmel, you may be seated. What's your current position with 7-Eleven?

MR. KIMMEL: I am the Real Estate Manager for New Jersey, Pennsylvania.

MR. SELVAGGI: Ok. And I assume that in that capacity you've appeared before Land Use Boards in New Jersey?

MR. KIMMEL: Many.

MR. SELVAGGI: Ok. And what are the responsibilities that come with your position at 7-Eleven?

MR. KIMMEL: Looking at, approving, and sourcing new stores for 7-Eleven within New Jersey, Pennsylvania, overseeing the development of those stores.

MR. SELVAGGI: And what's generally the criteria that your corporation kind of looks for when sighting or looking for new locations?

MR. KIMMEL: So, we look for locations that are convenient, access, visibility, fill a need in an area, we look at the customer pool, traffic patterns. For instance, this site being on a far corner of a traffic light for easy access in and out, the visibility of the property, 46 being a heavily traveled road, our customers for the most part are past by customers who are on the roads already. And then we do fill a need for the residential population on off peak hours.

MR. SELVAGGI: Ok. And that criteria you believed satisfied at this subject property.

MR. KIMMEL: Yes, I do.

MR. SELVAGGI: Now, some people may say well it's awfully close to another 7-Eleven along Route 46 and aren't you kind of cannibalizing one another?

MR. KIMMEL: So we look at that and the other store down on 46 is a mile 6 (1.6) miles from this present location which is outside of a minimum criteria which we use for additional stores on the same road.

MR. SELVAGGI: The location does that have any effect that it's on the westbound side?

MR. KIMMEL: It does. The distance is probably the biggest hurdle at that point. It's not…46 is not a divided road. If it was divided road, we might actually might actually close that distance less than one mile and a half, but it's not a divided road so…

MR. WEISS: Is that your criteria, a mile and an half?

MR. KIMMEL: No. It's not our criteria. Our criteria is really site by cite specific. That's why I'm saying if it was a divided road, it might be less. But I'm saying is because it's over that mile and an half; it was not a concern for us approving this location.

MR. VAN NESS: Where did the mile and an half come from?

MR. KIMMEL: Measuring from curb to curb.

MR. VAN NES: It is an arbitrary number that 7-Eleven…

MR. KIMMEL: No, what I'm saying is this site that we are proposing tonight is a mile and an half from the current one we have on 46. It's not a criteria. I'm just saying it's a fact. That's the distance from….

MR. VAN NESS: (inaudible)

MR. SELVAGGI: Now, I mean Jim touched upon, it was also referenced in the application…the proposed days and hours of operation and why?

MR. KIMMEL: So we are a 24 hour a day business for the simple reason we are a convenience store. Like any retailer, our primary goal is customer service. And our business philosophy is what better customer service than always being available. The customer doesn't have to guess if they need something if we're open or not open. That's why we operate 24 hours. It helps fill in on the over-night, the third shift workers, a lot of the demographics now…you know…people are working different hours more spread out hours so the third shift, first responders, things like that.

MR. SELVAGGI: Ok. And so if your open 24/7, what would be the…for your employees the number of shifts and the number of employees on those shifts?

MR. KIMMEL: So we operate…I'm sorry…three shifts per day. Our employees are two per shift and we typically employee 12 to 15, between part-time, full-time in a store, plus the operator of the business.

MR. SELVAGGI: Ok. So, there will be two employees at all times at this location?

MR. KIMMEL: Yes.

MR. SELVAGGI: Ok. Now, given 7-Eleven's experience…I mean…what's…I'm not going to ask you how many customers you're going to get…but you know…what are some of the characteristic…or how long is a customer there…you know…what are the peak times, the anticipated peak times…given this location?

MR. KIMMEL: So, our peak times as a convenience store would be 7:00 am to 9:00 am is a peak am…day part for us. And then 4 to 6 on the weekdays typically on a weekend our peak would be more like 11 to 3 it's more of a shopping time on the weekend, a little different. Our average customer transaction is about 2 ½ to 3 minutes. Sometime faster, sometime longer, but that's an average from what we studied on our existing stores.

MR. SELVAGGI: And where would you expect to draw most of the customer to this location?

MR. KIMMEL: We would expect the traffic that already exists on 46.

MR. SELVAGGI: Alright. So it's not necessary like a restaurant which is a point of destination?

MR. KIMMEL: Correct, no, we're not a point of destination. We are convenience.

MR. SELVAGGI: Now, we satisfy…the proposal satisfies the required number of parking spaces. Do you guys feel that's adequate, 15 is sufficient?

MR. KIMMEL: I do. We typically look for a 15…14, 12 to 15 spaces and that's because our…again our customer turnover is about every 2 ½ to 3 minutes.

MR. SELVAGGI: Ok. Now Mr. Stanford has talked about kind of the internal traffic and that's somewhat tied to deliveries, and the like…what might the public expect in terms of the frequency of the deliveries and the vehicles that will be making those deliveries?

MR. KIMMEL: So I know there was talk about the tractor trailers. We typically have one to two tractor trailers deliveries a week. That's really it for the tractor trailers depending on volume, its one to two, so let say it's two, a typical tractor trailer delivery takes about 30 to 40 minutes to off load and off site. And they typically come…our tractor trailer vendors comes on off peak hours, obviously because of the parking lot and you would want them not to interfere with peak business and customer flow.

MR. SELVAGGI: Do you guys have any control over scheduling that generally?

MR. KIMMEL: On the tractor trailer vendor, we do. That's a nation account that we work with and we do. We have a set schedule with them once the store is open and we're ready to roll. So we will have a set schedule. And we have some lead way as to discretionary times that they come. If I can I'll talk about some of the other deliveries.

MR. SELVAGGI: Yes. On the tractor trailers…I mean…what would be…and again…you have some discretion and ability to adjust it but what might be the anticipated delivery time for a tractor trailer at this location?

MR. KIMMEL: What I can say is we wouldn't…we wouldn't accept the delivery right now at 7:00 am to 9:00 am at peak, or 4 to 6:00 pm peak. Other than that, at this point it's way too early for me to say what the times would be.

MR. SELVAGGI: Ok.

MR. KIMMEL: So we are just not there yet with the vendor.

MR. SELVAGGI: Ok. Now, that's on the big trucks, the tractor trailers.

MR. KIMMEL: Only the tractor trailers.

MR. SELVAGGI: What about your smaller deliveries, when, and who is making those?

MR. KIMMEL: So, 7-Eleven is in a unique position. We have a combined distribution center. So what we have is our dairy, our bakery, our bread vendors, our fresh food and sandwiches. They come to a central distribution center, loaded onto one box truck and brought to this store. So what that does is eliminates the amount of deliveries coming to that site on a daily basis. So on a daily basis we are going to probably have 1 to 2 box trucks. We are still going to have the Pepsi. We are still going to have Frito Lay. But they typically come once or twice a week. So on average, it's about two deliveries a day versus four or five because we don't have a dairy delivery, we don't have a bakery, we don't have the bread guy coming. It's all on one truck.

MR. SELVAGGI: And discretion and being able to schedule those deliveries?

MR. KIMMEL: Not too much because Pepsi…we won't accept deliveries during peak hours.

MR. SELVAGGI: Ok.

MR. KIMMEL: That much I can say.

MR. SELVAGGI: Now, giving you experience…the guys that are making those deliveries do they tend to be in quotes normal business hours…you know…

MR. KIMMEL: They are.

MR. SELVAGGI: So…during the day? I guess what I'm asking the chances of having these deliveries in the evening or the overnight are…

MR. KIMMEL: Probably not, probably not. Other than our one commissary delivery which brings our fresh bakery, typically is somewhere of 11, 12 o'clock at night. So it's there first thing for the morning. But the Pepsi, the Frito Lay, they're typically during normal business hours.

MR. SELVAGGI: Ok. And how long would you expect those types of trucks to be there?

MR. KIMMEL: Typically 20 minutes. All our orders are pre-ordered on what we have a backroom computer. So when they get to the location, they are delivering their pre-set order. It's not like they are coming in, taking an order, and going to the truck like to see some vendors filling it in truck and bringing it back in. So when they come to our store, the order has already been pre-picked.

MR. SELVAGGI: Ok.

MR. KIMMEL: Which helps…speed the delivery time.

MR. SELVAGGI: Now, there's been some of the comment from the members of the public already some concerns about security. And I think that's common with any 24/7 operation. And I think you guys acknowledged the security concerns.

MR. KIMMEL: Absolutely. I don't acknowledge your security concerns.

MR. SELVAGGI: No, no…

MR. KIMMEL: I don't acknowledge. We do a lot to alleviate…

MR. SELVAGGI: I stand corrected. What has 7-Eleven over its years of existence, what have you guys done to try to you know put in or implement you know security measures?

MR. KIMMEL: 7-Eleven is an 89 year old company. It started in 1927. We have a security system that was developed using some law enforcement professionals thru our corporate headquarters years ago. And that…that's…and that part of the system…that process is rolled out in our training, 10 week training for all the operators. They go thru a 10 week training process at our corporate store before they get to operate the store. In addition, that system is 16 modules, it's not just security, but it's everything in operation of a store, it's on our backroom computer. So after the operators are trained and they're running the store as they hire new sales associates or employees they are sat down in front of the computer and they go through the modules. There is a little assessment at the end. Before the actually get to the sales floor, for whatever system including the security procedures. Some of the other things we do is…is we employ what we call a fish bowl effect. Open front store fronts with the glass, well lit stores so you can see in and out readily. We do have and I can go through the whole…you know we have a time lock safe so a clerk can make change for a 20 but it's 10 minutes before he can make change again, which is a crime deterrent. We also have security camera systems in all the stores. And we have an offsite alarm company that is activated at the store level if need be.

MR. SELVAGGI: Ok. One of the things we talked about is there alarm buttons, is there other security measures…

MR. KIMMEL: There are. So, like I said, it's an offsite alarm system that can be activated either from the clerk behind the sales counter. And there are actual remotes that they carry with them…on them…if they are away from the sales counter and they happen to be on the sales floor or…you know…empting a trash can. They have them with them and they can activate.

MR. SELVAGGI: And again, there will never be a single employee at that location?

MR. KIMMEL: No, no….always 2.

MR. SELVAGGI: And beyond the concern of actual criminal activity, there's always the concerns that particularly out here where's there's just generally loitering, people hanging around, what's your…what's your corporate policy or plan to address that type of behavior?

MR. KIMMEL: So part of our training is…is loitering deterrence policy. Our staff…our employees…our operators are trained to engage but not confront for loitering to get them to move along, get them to leave. You know, obviously we don't tolerate it. The bottom line is, it's not good for our business. It's not good for any business, loitering. So we have procedures that is part of the training program that I just described earlier where they can engage a person out front to move along and not hang out there. We don't allow panhandling or any of that kind of loitering in front of the stores at all. It's just not good for business.

MR. SELVAGGI: Now, is there…I assume these techniques are already in place at your existing location.

MR. KIMMEL: Yes.

MR. SELVAGGI: And what's been your history there because you have been there a long time?

MR. KIMMEL: Yes, so we actually looked to refresh before tonight and there have been no incidents that have been reported or happened at the other store.

MR. SELVAGGI: Ok. Now, beyond the criminal activity and the loitering there's always a stereotype that convenience stores, when people come out there's garbage, there's trash, nobody throws anything away, what do you guys do to try to address those concerns.

MR. KIMMEL: So we have policies in place for picking up or policing, whatever you want to call it, the outside of the property, the empting of the trash. We also have besides the operator and the staff, 7-Eleven has regular visits a couple times a week from our corporate, we call them District Managers, Field Consultants, whatever term somebody wants to use, at the store and part of it is the customer service/cleanliness survey so we look at that. We employee or we engage in a landscape contract, snow plow contract, all those things are in place before we open a store.

MR. SELVAGGI: Ok. And again when you were doing your due diligence looking at your current location…I mean…is that generally been your corporate officers feel, that that's been kept, maintained clean, neat?

MR. KIMMEL: Yes, yes, we have not had any concerns for the existing store.

MR. SELVAGGI: Ok.

INAUDIABLE

MR. SELVAGGI: Ok. In Mr. McGroarty's report, he raised some questions concerning the use of the HVAC system, and you know noise and what might that do. What do you guys propose to put the HVAC system, with mounted…

MR. KIMMEL: We are looking to…we are proposing a roof mounted systems and we typically shield them. I would prefer to let the engineer, artichect describe the screening that we use. But we do screen all of the systems and anything that we would put up would always be in compliance with any ordinances or noise ordinances that are in effect.

MR. SELVAGGI: Ok. And there was also…and Mr. Glasson had talked about it…signage…does 7-Eleven have a standard signage package?

MR. KIMMEL: We do. I believe that's what is on the application.

MR. SELVAGGI: And that's pretty uniform at all your other locations?

MR. KIMMEL: It is.

MR. SELVAGGI: There was a question raised about the chimney mounted signs. Lit, not lit?

MR. KIMMEL: The building signs would be lit.

MR. SELVAGGI: Ok. And…

MS. COFONI: 24 hours, Mr. Kimmel?

MR. KIMMEL: No, just at night. Again, yes, I'm sorry. Yes.

MR. SELVAGGI: And obviously as part of the security, the signage in...excuse me…the lighting in the front of the property will remain on throughout the night. Correct?

MR. KIMMEL: Correct.

MR. SELVAGGI: Alright. That's all I have for this witness at this time…

MR. WEISS: Mr. Fleischner has a question.

MR. FLEISCHNER: I have a question. You're the real estate person?

MR. KIMMEL: That's correct, yes.

MR. FLEISCHNER: What percentage of your stores are built on lots that are not approved for use where you would need variances? Because obviously Mount Olive has a Master Plan and the decision of the Master Plan, your property that you propose to put this store was deemed not approvable for this type of use. I'm just curious what you do around the state, how many stores…

MR. KIMMELI: Use variance…because I'm sure…

MR. FLEISCHNER: Use and not…where the property is not approved for that use.

MR. KIMMEL: Percentage, I don't think I can give you one. What I can tell you is this type of property is pretty commonly fits our type of new development where we take an old three bay gas station that's out dated and not used anymore, typically those lots are undersized because they are on the corners like that. But it actually fits for our model because again, far corner, good access and visibility, not so much gas anymore. And for most of the time…just by the nature of that type of use, previously becomes a use variance for us.

MR. FLEISCHNER: I asked that question only because if that piece of property were 500 feet to the east, then there would be no question because it could be a gas station that's no longer used and then it would be perfect for what you are looking for. But this particular property, people who put the Master Plan together said we want a gas station but we don't want anything else. That's why I ask that question.

MR. KIMMEL: And it does happen.

MR. FLEISCHNER: I appreciate what you're saying, but…

MR. KIMMEL: And if it was 500 feet east but not on a corner, we might not be sitting here tonight. So, you know I understand what you are saying but we do a lot of conversions of these types of properties, closed gas stations.

MR. FLEISCHNER: Because I'm going to be honest with you, my concern is our township has a Master Plan.

MR. KIMMEL: Understood.

MR. FLEISCHNER: And people sat down and they figured, I was not part of that committee, but those that did made a decision where certain things should go within Mount Olive. Now, I agree that that gas station is something that the lot is not that great. And we'd love to see it cleaned up, I'm just…I need to hear more testimony. Is it…

MR. KIMMEL: And with all due respect, if I can defer that to the planner, I would be more than happy. I think that person would be more equipped to answer that type of question.

MR. FLEISCHNER: Thank you.

MR. WEISS: Dan.

MR. NELSON: Sir, your signage on the chimneys…

MR. KIMMEL: Yes.

MR. NELSON: …is that facing both directions, would that be facing 46 and the road behind it or the house behind it?

MR. KIMMEL: No, facing Woodland and it's…it's facing east and west, I guess? Not the back. No.

MR. SELVAGGI: It doesn't face Netcong Road. It faces…the chimney sit in this direction so it would face here and here.

MR. KIMMEL: Woodland and the dinner, I guess.

MR. SELVAGGI: East and west.

MR. BUCZINSKY: Not north and south.

MR. SELVAGGI: No. That would only be a side view from like Netcong.

MR. KIMMEL: I think it's depicted on Sheet 8.

INAUDIABLE

MR. WEISS: Brian, do you have a question.

MR. SCHAECHTER: Yes, I mean you were pretty clear that there would be no deliveries during peak hours, but night time hours between let's say 10 and 11, you had your commissary delivery. Tell me, what time commissary delivered to the two other stores in Mount Olive, do you know? I mean, if you can't comment…

MR. KIMMEL: I don't know, but I know as a general rule, that truck comes anywhere between 10 and 2 am in general. They leave the commissary at 8 pm and it's designed to be at the store before…somewhere between…you know, around 2 so the store has a change to stock the fresh product for the 5 am…

MR. SCHAECHTER: I'm going assume 7-Eleven has a standard operating procedure for the trucks that they use, how they use them throughout their distribution center…

MR. KIMMEL: Yes.

MR. SCHAECHTER: Ok. So, they happen to have a show on called Undercover Boss…

MR. KIMMEL: Yes.

MR. SCHAECHTER: …and they did a lot of those deliveries, and most of the deliveries were in the middle of the night…

MR. KIMMEL: Yes.

MR. SCHAECHTER: …and they used a cart system, where the carts roll off the trucks, they stage them outside…

MR. KIMMEL: Well, yes…

MR. SCHAECHTER: …you can get deliveries at…the middle of the night…

MR. KIMMEL: It's one delivery.

MR. SCHAECHTER: Ok.

MR. KIMMEL: They're actually, if you seen like break trucks, there those plastic racks, what they do is usually there's a stack on a wheel and they roll it into the store, and then they roll out the empties from the night before, yes.

MR. SCHAECHTER: Right. But, they're rolled off a ramp making noise; into cement making noise…you can't do those during the day?

MR. KIMMEL: That one delivery, no because of the nature of the product being delivered and it's…it's a fresh baked…for the most part product.

MR. SCHAECHTER: How about when that truck backs in, does it have a bell on or a warning backup light?

MR. KIMMEL: Yes, most trucks would by law.

MR. SELVAGGI: Is that a tractor trailer making that…

MR. KIMMEL: It's a box truck.

MR. SCHAECHTER: No, it's a box truck.

MR. KIMMEL: And they typically go in through the front door because typically at night we don't use…we don't use any rear doors so, in this instance it would be at the front of the store.

MR. SCHAECHTER: But you still got a truck backing in, I would assume you're going to back in…

MR. KIMMEL: Most likely, yes.

MR. SCHAECHTER: The big 18 wheeler that's coming in, also in the middle of the night?

MR. KIMMEL: No, we can…that we could restrict.

MR. SCHAECHTER: What are the hours that you restrict now? I mean, I would assume you're going to send the 18 wheel to deliver to the other two stores in Mount Olive, instead of coming around…what time does that truck hit now?

MR. KIMMEL: The one up the road, I know because we looked at it, and right now it's on a Tuesday at 7:15…

MR. SCHAECHTER: …am or pm?

MR. KIMMEL: Excuse me?

MR. SCHAECHTER: …am or pm?

MR. KIMMEL: …pm, I'm sorry, and I'm not sure the second time, what their second delivery is, but we can…we can stipulate the tractor trailer not to be on the overnight. That one vendor we can stipulate.

MR. SCHAECHTER: The lights on the signage, the ones on the top on the building, is it a deal breaker not to have them on all night?

MR. KIMMEL: The chimney one?

MR. SCHAECHTER: Yes, you've got three or four other ones…

MR. KIMMEL: I would say…I would say not, it's not a deal breaker.

MS. COFONI: Which, I'm sorry…

MR. SCHAECHTER: The chimney signs.

MR. KIMMEL: Not the front…not the building sign and not the pylon, not the pole and the store front. You need…understood.

MS. COFONI: But, so you're saying…

INAUDIBLE

MR. WEISS: Brian, are you done?

MR. SCHAECHTER: Yes.

MR. VAN NESS: What is the minimum height of the base of the sign on the chimney?

MR. KIMMEL: The minimum height of the base of the sign?

MR. VAN NESS: What is the height of the base of the sign, the lower end of the sign?

MR. KIMMEL: I'd have to look at the architectural. I don't know. I'm sure it's above the roof line. The roof line is only a single story. Right now the maximum height of the building is…right now the existing building is 16.52 so it protrudes above that. It's at 16.552 to the peak right now.

MR. VAN NESS: So, it's higher than the peak. You'll be able to get that tonight.

MR. KIMMEL: I can scale it for you.

MR. VAN NESS: Thank you.

MR. WEISS: Tiena?

MS. COFONI: We were just talking about tractor trailers deliveries not occurring overnight and that you would stipulate to that. What are the hours you are talking about to be overnight?

MR. KIMMEL: Midnight to 5:00 am, 6:00 am?

MR. WEISS: Anybody on the Planning Board have any other questions for Mr. Kimmel? Chuck?

MR. MCGROARTY: What about trash…do you have any control over that?

MR. KIMMEL: Yes, that's also contracted so we can…we can certainly do that.

MR. SELVAGGI: What's the…

MR. KIMMEL: So, our trash pickup right now, we have 2 dumpsters. One trash, one carport and it's typically once a week for each depending on volume. Most of it would be cardboard from deliveries, but we recycle and our regular trash.

MR. MCGROARTY: So you have two dumpsters in that one enclosure.

MR. KIMMEL: Yes, yes.

MR. MCGROARTY: And what…and you can control the pickup times you said,

MR. KIMMEL: Within reason…I…

MR. MCGROARTY: Oh, I understand.

MR. KIMMEL: I mean after 6:00 am, yes, sure. After…I mean…we can say not on the overnight. Yes.

MR. WEISS: Jim, you have an answer for Scott's question?

MR. GLASSON: I have the answer to that question. The chimney mounted signs begin at the roof peak 16.52 and they are 5 foot height so they would go from 16.52 being the bottom of the sign to 21.52, the 5 foot.

MR. VAN NESS: Thank you.

MS. NATAFALUSY: It's on the architectural plan.

MR. WEISS: Anybody else from the Planning Board have any questions? I actually have one, Mr. Kimmel. Can you please explain to us the, from an operation standpoint, who owns store? Is it a corporate store? Is it owned by a franchise or…how does it work?

MR. KIMMEL: So, it is a corporate 7-Eleven, Inc. owned property. We sign the lease, we develop the property, build it, open it, and then what we do is after it's opened, we franchise out just

the operation. It's always a 7-Eleven, Inc. property and our responsibility. We pay the rent, the taxes, and utilities. We franchise just the operation.

MR. WEISS: I'm only asking the question because I'm concerned about you talked about all the policies and everything is in order, but then you're leaving it up to somebody who's not…not part of the corporation. Is there a screening process?

MR. KIMMEL: Yes.

MR. WEISS: What happens when you find that your franchisers don't follow your policies?

MR. KIMMEL: So, it's a pretty intense vetting process for the application. It's a ten week training program in our corporate store and then also once they are in place in the store, we have a field, we call them a field consultant, but they are responsible for 8 to 10 stores and they are responsible to be in that store minimum of twice a week. And they are doing assessments and those kinds of things. It is a franchise agreement, a contract. So, if need be, they can be breeched and terminated. But it's our store to then control and if need be put someone in place…

MR. WEISS: You haven't identified a franchise or…

MR. KIMMEL: Franchisee? No, it's way too early, we wouldn't…typically that's not until we're literally under construction.

MR. WEISS: Is it a policy of yours to perhaps to offer the franchise to the closest operator perhaps the other 7-Eleven in Budd Lake?

MR. KIMMEL: So, typically what we do, once the store becomes online and we are actively ready to start construction, we'll post it on our internal. We have a list of available stores for existing franchisees to apply for it. Typically they will get first choice at it. I don't know if that particular franchisee is interested yet. We're not at the stage to talk yet. But he would have the option if he wanted it.

MR. SELVAGGI: As a follow up to the Chairman's questions. I mean, if you were to get an approval and there were certain conditions imposed on your operation, would that be incorporated into the franchise agreement with that franchisee or is it a standard agreement?

MR. KIMMEL: So, we…I…we wouldn't be in a position to put conditions on a franchise agreement. You have to understand, with a franchisor and a franchisee relationship, it's a standard franchise disclosure document, we don't negotiate that with franchisees, and so we can't change it. We don't allow them to negotiate and change it. So, conditions what we are talking about the night, the sign, and the….we are operating the property we can do that. I can't put conditions on the franchisee. It's a set franchise agreement.

MS. COFONI: So, how would you enforce the fact that the tractor trailer delivery wouldn't be between midnight and 5:00 am?

MR. KIMMEL: We…we…we control the deliveries.

MS. COFONI: Ok.

MR. KIMMEL: We contract with the vendors. We actually…I don't want to get too much into the accounting process, but we actually pay the vendors through our accounting process.

MS. COFONI: Ok. So, that's not part of the operation for the franchisee?

MR. KIMMEL: No, no, it's the program they are set to follow. They don't have the option to go out and literally get another vendor to supply them with the product. It's all negotiated.

MS. COFONI: What about something like, and I don't know if this is going to be the situation, but what about something like not keeping the sign, the chimney light signs on all night? That would be something they would have control of, wouldn't it?

MR. KIMMEL: Actually, they wouldn't because it's all timers.

MS. COFONI: Ok.

MR. KIMMEL: I got to tell you…

MS. COFONI: And as the property owner you would take care of…

MR. KIMMEL: We would take care of it. We pay the utility bills. I got to tell you the thermostats in the stores are centrally controlled.

MS. COFONI: Ok.

MR. KIMMEL: It's a pretty sophisticated system but it's our…we build it, we are paying the utilities, we are paying the rent, we're paying the insurance and the taxes so….it is our property.

MS. COFONI: Ok.

MR. KIMMEL: They don't know…nobody goes at night a turns a switch on or off for the sign.

INAUDIABLE

MR. MCGROARTY: I don't know if you were here for a witness or not, snow removal? It's a small sight, not a lot of room, and you'reright up against your neighboring properties. How do you handle…

MR. KIMMEL: What I can tell you is we would have a contract in place. Where they're going to push it to right now, I don't think we're at that point to talk to with the vendor at this point for the property until we have a….it would be on site, if that's what you're asking.

MR. MCGROARTY: Well, what I'm asking is see I think we are at a point right now when we do have to ask that because if it is pushed on-site it doesn't appear to be much, if any, pushed on site. So, I didn't know if you had an arrangement whether they would actually truck it out and…off-site…

MR. KIMMEL: Typically not.

MR. MCGROARTY: Ok. So, if it's…maybe your engineer, maybe Mr. Glasson will have to come back, or someone else. I don't know where you'd put it frankly.

MR. KIMMEL: You didn't…you didn't get a lot of snow in Budd Lake, do you?

INAUDIBLE: No, we don't…

LAUGHTER

MR. WEISS: Just for the record, we are looking at…

MR. SELVAGGI: A-2

MR. GLASSON: The only possible place I see that you could put it would be on the left side of the building. The only possible I see you put it would be to the left or the easterly side of the building.

MR. WEISS: Ok, anybody else have any questions about landscaping…

MR. GLASSON: No, just the grass area…

MS. MOTT: I just have a comment. I am just curious, so you have a 7-Eleven a miles and an half down, so how do you protect…how's he…I know this is only your opinion…but how do you protect your operators? I mean, that's pretty close. Because I have a hard time believing that there's no…most franchises have you can't be so many miles within the other…a mile and an half is not that far. I mean, he's got to be upset because it's basically taking some from him. So, you don't protect your operators, you're just more concerned about putting the sites up and getting them up and running. How do you protect them?

MR. KIMMEL: Well, we absolutely do look at if there's kind of cannibalization. We actually have a very intense vetting process. There's quite a few different levels other than me that approves…that goes higher than I do, to approve a site right through operations, the operations people

get a look at it, and weigh in, and then there's other levels of management that weigh in before a sight is finally approved and we look at those kind of things. It's not our…we're not looking to hurt the other franchisee.

MS. MOTT: I'm just curious because that's pretty close, and I mean I know I'd be upset…

MR. KIMMEL: We've done…we've done a lot of studies. I mean we've put stores closer. And again, it depends on the traffic and the patterns and where people are coming from and where the pool of demand is.

MS. MOTT: And my second question is for the operator, who maintains the garbage outside, the cleanliness, is that, the operators? Or do you come around twice a week to make sure it's clean?

MR. KIMMEL: Well we come around and do assessments. Our people come around and do assessments. But the trash…the vendors is set up prior to him even…

MS. MOTT: No, I'm talking about the cleanliness outside the building. Like the garbage cans…

MR. KIMMEL: No, no, that would be the operator…that would be the operator.

MS. MOTT: I don't know if you've been by Budd Lake, but it's definitely not maintained. Even with the parking lot with the lines, it's fading. It gets a little crazy in there, but I'm just curious because it kind of…I would expect it to be run a little bit…

MR. KIMMEL: Yes. Actually the striping of the parking lot would be 7-Eleven's responsibility to do.

MS. MOTT: Ok. I'm just curious…

MR. KIMMEL: But the day to day…emptying the trash cans, yes, that's the operator.

MS. MOTT: …because…I mean…it could be an eyesore, if not maintained properly especially in that location where it is so visible.

MR. KIMMEL: Agreed, agreed.

MR. MCGROARTY: Just a follow up, Mr. Chairman, I would ask Mr. Glasson maybe not necessarily at the moment but if you take a look at and address, Jim, if they will plow the snow in that area, how will they deal with the Belgium block curbing by the parking spaces?

MR. KIMMEL: I'd have to put in some type of pressed curb in that area…

MR. WEISS: Let's go back, John.

MR. BATSCH: Were there any alternate sites considered in this same geographical area?

MR. KIMMEL: Not that I'm aware of, no.

MR. BATSCH: And again, carrying on with Ms. Mott's comments, you have another convenience store right behind it, you have one a mile and an half away, is there enough business to be able to draw and justify another site so close…

MR. KIMMEL: Yes, we believe so. Again, we expect to draw the majority of our customers from 46…traffic on 46 for the most parts, so we believe so…yes.

MR. BATSCH: Ok. Thanks.

MR. WEISS: Dan.

MR. NELSON: Let's go back to your hours again. You said the time that we would limit the tractor trailer would be between 12 and 5, do you have flexibility with that?

MR. KIMMEL: Such as?

MR. NELSON: 9 or 10.

MR. KIMMEL: Well…

MR. NELSON: I'm thinking if people are sleeping…

MR. KIMMEL: The only thing I would want to be careful about is we are not going to take a delivery between 4 and 6, so I don't want to shrink that window too much when we have availability because 4 and 6 is a peak period for us.

MR. NELSON: Right.

MR. KIMMEL: If…if we can say 11…the window is just kind of short and I don't want what to be sitting here saying something and then not being able to live up to that. It's kind of squeezing that window after 6:00.

MR. NELSON: And then the garbage, you said you could also control that. Is that one truck or two trucks…

MR. KIMMEL: Well, it's…

MR. NELSON: …with the cardboard?

MR. KIMMEL: It's one truck…twice a week thought…I…I'm…if I'm answering correctly. It's a cardboard pickup and a trash pickup. They come different days.

MR. NELSON: Ok, so it's once a week for the cardboard, once a week for the other trash.

MR. KIMMEL: Typically yes, typically yes.

MR. NELSON: And the hours to that also would that be something similar?

MR. KIMMEL: Meaning? That's usually a morning pick up so…I don't remember seeing a trash pickup at 8 or 9:00 at night…

MR. NELSON: Ok. I'm just…I'm just thinking it wouldn't be at 2:00 in the morning…

MR. KIMMEL: No, no, no, I already stipulated that we…

MR. NELSON: Right, for both the garbage and the tractor…

MR. KIMMEL: Yes.

MS. COFONI: I just changed that to 11:00 pm to 5:00 am…you said 11?

MR. KIMMEL: Thank you, thank you.

MR. WEISS: Anybody else? Alright, let me do this then, let me open it to the public. Anybody from the public have any questions for the testimony delivered by Mr. Kimmel, I invite you to the podium where you will state your name, spelling your last name for the record.

MR. PATEL: Good Evening everybody, again. Samir Patel (P A T E L), I have a bunch of questions and I'll go one by one. So, first question is going back to the question on having a not only a convenience store within 200 feet but there is already gas station, there's a liquor store, all three of these have ATM machines, lottery machines, and cigarette licenses, on top of having another 7-Eleven less than two miles. So, can you help me understand what kind of study in depth 7-Eleven would have done to kind of not cannibalize locally run store in a town like Budd Lake?

MR. KIMMEL: So we looked at our existing store…and we look at traffic, traffic patterns, traffic counts, population, how people are using the roadways and what neighborhoods are being served or not served by 7-Eleven, and typically that's how we do our due diligence on new sites.

MR. PATEL: So you mentioned most of the traffic at this store will be coming from Route 46. However, it wasn't clear whether there is a left turn allowed or not in the store, because out of the store will only be right turn. So, to me the way I understood is most of the traffic will be coming from the Woodland Avenue and people making right from Route 46, not left.

MR. GLASSON: Can I answer that?

MR. KIMMEL: Sure.

MR. GLASSON: There is no restriction, the only restriction on either one of the ingress/egresses the only restriction is a right turn out. You can be coming…I'll just give you an example…you can be coming in the east bound direction on 46 and taking a left turn in or travel to the light at Woodland and approach from Woodland and you can exit, you can be traveling in the west bound direction and enter from Woodland or enter from the front portion of 46. And you can exit in either direction from Woodland side; you can only exit on a right hand turn and go 46 in a westerly direction from 46 entrance/exit. So there is no prohibited…there is no prohibited movement other than a right turn out only on Route 46…

MR. NELSON: Left turn.

MR. GLASSON: Right.

MR. NELSON: Prohibited.

MR. GLASSON: You are only allowed a right turn out.

MR.NELSON: Right.

MR. PATEL: So, so, that's what my question was. That the traffic or most of the customer will not be coming from Route 46 only, they'll be coming from Woodland also. So, it's all around.

MR. KIMMEL: Most likely, sure.

MR. PATEL: Other question I have for this size of store, square feet wise, I don't remember, but how many…is it common to have only two employees? Because for me it's hard to believe. We run the store at peak time we have two and an half employees. So it's hard for me to believe operations like 7-Eleven will have only two employees most of the time. And I know other 7-Eleven's where there are four people at a time. So, if you have some data you can give us that will be helpful for me to understand. This square feet, you need this many employees…at peak time you have, you have this many employees.

MR. KIMMEL: On average our store is employed, 2 people minimum per shift. Two people per shift, correct.

MR. PATEL: I'm…I…

MR. KIMMEL: Yes, but on average, and that's what I can give now, the store isn't open and operating…two employees per shift.

MR. NELSON: You said that was your minimum.

MR. KIMMEL: That's on average our store…well part of it is…part of it is…for instance the overnight. We might be able to have only one employee for operational purposes but at a minimum we'll have two for security purposes. So, I guess…that's where I was kind of going…

MR. PATEL: I was asked for more of a maximum percept at a given time will be two only…

MR. KIMMEL: I'm saying two…I'm saying two employees, yes.

MR. SELVAGGI: That's not set in stone, I mean, I guess it would depend on the volume.

MR. WEISS: I have to assume that if you're understaffing your stores and people have to wait too long, they are not going to shop at your locations. It's really that simple.

MR. KIMMEL: Right.

MR. WEISS: It sounds like from your operational standpoint, the answer is two. If you feel you can run your business at two, the answer is two.

MR. SCHAECHTER: No, No, he said minimum of two.

MR. WEISS: Minimum of two.

MR. SCHAECHTER: Ok, but that's different than two.

MR. WEISS: Minimum of two. We can ask him 100 times.

MR. SCHAECHTER: Right, which means there's two spots for employees, if four employees show up, then you got four spots.

MR. WEISS: I go back to saying, if there's not enough parking, people will go somewhere else and shop.

MR. SCHAECHTER: I'm ok with that. I just want to be clear. He said…minimum of two…I'm just trying to get the testimony straight.

MR. KIMMEL: I did say…

MR. SCHAECHTER: It started with two, and it became a minimum of two. So, I just…

MR. WEISS: It sounds like his answer is a minimum of two. We can ask 100 times, it's going to be a minimum of two.

MR. SCHAECHTER: Now, it's a minimum of two.

MR. WEISS: Ok.

MR. SCHAECHTER: It wasn't before.

MR. KIMMEL: And the minimum…and the minimum was really because of the overnight. Sometimes…

MR. WEISS: Understood.

MR. KIMMEL: You know, we can run one person on the overnight based on the actual business, but we wouldn't do it because of other reasons.

MR. VAN NESS: Can I…Mr. Patel had asked a question about the study. About how you determine that 7-Eleven would fit in this location properly, you mentioned that you had looked into the other stores operations that you consider the operations of the businesses surrounding the existing…

MR. KIMMEL: So, we looked at the other 7-Eleven, to look at cannibalization that was asked. The other thing we look at, it's not per say, but we look at what services are in that area and where we can fill in. So we'll look if there's a lot of other uses similar or services similar to what we are proposing to provide. Do I know what Mr. Patel…

MR. VAN NESS: I understand I am taking this questions as, I don't think he meant the cannibalization of the 7-Eleven that is a mile and an half down the road, I'm thinking he was referring to at least how I understood how he asked the question, is the cannibalization of the surrounding businesses that may be similar…

MR. KIMMEL: I understand.

MR. VAN NESS: …and that was the testimony.

MR. KIMMEL: I understand. I understand. So we don't look at the cannibalization of other businesses because to be honest with you I don't know his business operation. What we do look at is what other services are there. So in other words, if there was four other or five other coffee uses, and

quick serves, and a lot of that type of business was filling the need there, that we what we look at. But it's not possible for…

MR. VAN NESS: That answers my question.

MR. KIMMEL: Ok. Thank you.

MR. WEISS: Dan?

MR. NELSON: Just to beat a dead horse a little more, regarding the minimum of two…

MR. KIMMEL: Yes.

MR. NELSON: The salaries are paid by the franchise owner…

MR. KIMMEL: Correct.

MR. NELSON: …not 7-Eleven.

MR. KIMMEL: That's correct.

MR. NELSON: So, if the franchise owner decides that the overnight is…doesn't warrant two people, then could they…is there some kind of contractual thing with you that they are obligated to pay a second person.

MR. KIMMEL: Yes. So, the contract…that's where the minimum comes in by contract, they have to staff their store to a minimum for reasons other than just business reasons and that's built into…and again, without getting into too much detail…there's a pretty intense vetting process for an application, one of them being is their business plan which incorporates payroll, and other expenses that they have to do based on the contract that they have to supply to us, that they have to sign with us I should say. So, the minimum piece comes into the contact for minimum staffing. But you are correct, they do pay…they do fund the payroll, yes.

MR. FLEISCHER: You stated, you just said coffee, that's the main draw that gets…

MR. KIMMEL: That was just an example…breakfast sandwiches, coffee, slurpee, big bites,…

MR. FLEISCHNER: The only reason why I ask that is because as Mr. Patel asked…you know…in an area that's zones for him to do that, he does coffee, sandwiches, next store the diner you can go in to get a cup of coffee, for convenience items you can make the turn because the CVS is open 24 hours a day. Did you look at all those things as well, or just the CVS up the street?

MR. KIMMEL: No we look at…

MR. FLEISCHNER: …7-Eleven, I'm sorry.

MR. KIMMEL: No, no, we look at what the competition is in the area, we build a Performa based on competition and all the other criteria as far as traffic and all the other stuff we talked about and we build that all into our Performa to see if this site is viable for us or not so we do look at all that.

MR. SCHAECHTER: Mr. Patel, what are your operating hours?

MR. PATEL: So we run from 5 to 10.

MR. SCHAECHTER: 5 in the morning…

MR. PATEL: 5 in the morning 10. And on Sundays, we close a little bit earlier.

MR. SCHAECHTER: What time do you take your deliveries?

MR. PATEL: It comes from all stages in the morning hours, few in the afternoon, but mostly in the morning.

MR. SCHAECHTER: Nothing overnight?

MR. PATEL: No, we close at 10 so nothing comes after like 6 or 7. I had a comment going back to the discussion, so, what we sell or serve to the customers is very similar or almost same as what 7-Eleven will bring, except slurpee maybe. But coffee, hot sandwiches, water, ice cream, cigarettes, newspaper, anything else, you name it. And some of it is also being labeled something else in the neighborhood very close, in walking distance. Our customers are mainly residential customers behind us. So in your study, at least to me, either these factors were not considered, ignored, or purposely left out because otherwise to me, if I'm a franchisee owner to put a 7-Eleven where there are three more stores selling cigarettes, laundry, and selling…having ATM and other things, plus having another store location less than two miles, I don't know. To me as a business owner, it doesn't make sense to me.

MR. WEISS: I gave you a little leeway there, Mr. Patel, when asking a question. Do you have any more questions?

MR. PATEL: No, thank you so much.

MR. WEISS: Anybody else from the public have any questions for Mr. Kimmel based on the testimony that he presented? I'll remind you, questions, please.

MS. JELAS: Hi, my name is Fay Jelas, from the Budd Lake Diner, back in the snow we always have problem, will be bigger problem if you guys allow 7-Eleven to go in. There's always, we never…we have all this parking lot and we also have to cover most of parking…three four parking spots around the building to put the snow. It's way too much snow. It's too much right over here. If you put a parking spot right on the property line…where are your going to put the snow, on the diner side, or on my house…both sides…you will put it on my side and it will be a problem. And also the night people that hang around, it's scary to go to 7-11 after..

MR. WEISS: It's not a question.

MS. JELAS: Ok, first the snow.

MR. WEISS: Listen your question was good; I don't think Mr. Glasson is going to plow the snow…

MS. JELAS: Ok. Where are they going to put it?

MR. WEISS: I think based on the hour of the night, we are not going to finish and I think that's a very good question for the applicant.

MS. JELAS: It's…for us, it's a big problem for us and we have a…

MR. WEISS: I don't disagree with you. I think we've addressed the fact that we like to identify where the snow is going to go. I don't think they have the answer now and that's acceptable for now.

MS. JELAS: Ok.

MR. WEISS: Ok.

MS. JELAS: Alright.

MR. WEISS: Any other questions?

MS. JELAS: No questions.

MR. WEISS: I'm sure you'll be back.

MS. JELAS: Oh, yes I will be back. I will be back.

MR. WEISS: I'm sure. I'm not surprised.

MS. JELAS: It's very unfair…

MR. WEISS: Anybody else from the public have any questions? Mr. Stanford, please…

MR. STAMFORD: What are the perimeters…

MR. WEISS: No, no, over at the microphone, state your name for the record.

MR. STAMFORD: What are the perimeters we are working with right now are we talking about safety?

MR. WEISS: Hold on for a second. For the record, we need your name, its Mr. Stamford, from Second Street. I'm helping you out.

MR. STAMFORD: Ok. Thank you.

MR. WEISS: Alright, go ahead, ask your question now.

MS. COFONI: These are questions of the applicant himself who just testified.

MR. STANFORD: Are we talking anything about safety, highway?

MR. WEISS: I would not…

MS. COFONI: Traffic? No.

MR. FLEISCHNER: No, not yet. It's coming.

MR. STANFORD: Can I…

MR. FLEISCHNER: It's up to Howie.

MR. WEISS: I'm going to leave that up to Mr. Selvaggi, I'm going to lay the blame that way. Any kind of traffic and things to do with the roadway will be presented by the Traffic Engineer. Mr. Dean is waiting. I'm not sure if Mr. Selvaggi will bring him but.

MR. STANFORD: Because, I got hit.

MR. WEISS: Like I promise everyone, you'll have plenty of opportunity, anybody else from the public? Mam,…question…question for Mr. Kimmel…based on the testimony that he just delivered what's now an hour ago.

MS. ANDERSHONIS: I have one question.

MR. WEISS: But if you would, state your name and spell your last…

MS. ANDERSHONIS: My name Anna Marie, two words, and Andershonis (A N D E R S H O N I S).

MR. WEISS: Ok, Ms. Andershonis…

MS. ANDERSHONIS: Do we really need another 7-Eleven in Budd Lake.

MR. WEISS: I'm not going to have anybody answer that question. That's not for the Planning Board. You can bring that up again later. That's just not a question we're set to address.

MR. FLEISCHNER: Yet.

MR. WEISS: Yet. Is there anybody else from the public? Seeing none, I'm going to call for a five minute break. Mr. Selvaggi you're probably going end up about 9:30 you'll tell me how you want to proceed for the last half an hour.

MR. SELVAGGI: Alright. But I think Mr. Dean can certainly…

MR. WEISS: I'll leave it up to you, it's getting close, and we're making good progress here…Mr. Kimmel, thank you very much. We'll take a five minute break.

9:29:39 Return from a five minute break.

MR. WEISS: I just have a question for the Planning Board. Regarding next Thursday's meeting, who is not available next Thursday? Not available. That makes it pretty simple. We are going to need to cancel. Ok, that has nothing to do with this application. It was a…

INAUDIABLE

MR. WEISS: Michael, thank you for that. Let's proceed.

MR. SELVAGGI: I would like to call Mr. Dean understanding that he will be our last witness for this evening. We do believe that Gary will be able to start it.

MR. WEISS: Good, and I just hope that you don't want to reschedule with us next Thursday.

MR. SELVAGGI: If I do, Joe and I will be only two…

INAUDIABLE

MR. WEISS: Ok. Mr. Dean, welcome.

MR. DEAN: Good Evening.

MR. WEISS: And I would have our attorney swear you in.

(GARY DEAN SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name, spelling your last name, and giving your business address for the record, please.

MR. DEAN: It's Gary Dean (D E A N), professional address is 792 Chimney Rock Road, in Martinsville, New Jersey.

MR. SELVAGGI: Mr. Dean, I don't know if you testified before this particular board?

MR. DEAN: Not, this. But, I believe the Planning Board on a number of occasions but I believe this is my first appearance for the Zoning…

MR. WEISS: What I think we should do, Mike, I think…

INAUDIABLE

MR. WEISS: …I know Mr. Dean has worked very well, I don't know if it's fair the rest that the Planning Board does…

MR. SELVAGGI: You know the drill…what's your professional background, experience, degrees.

MR. DEAN: Certainly, I'm a graduate of Leigh University with a Bachelor of Science Degree in Civil Engineering. I'm a former member of the faculty of Leigh University and Layafette College, having served as Adjunct Professor teaching transportation engineering. I've been actively engaged in the practice of traffic engineering and municipal consulting for traffic related matters for 30 plus years. I'm a licensed professional engineer in New Jersey as well as six other states in the northeast and I've been qualified before roughly 300 to 350 different planning and zoning boards throughout the state. I'm the principal of Dolan & Dean Consulting Engineers and as indicated we provide services for developers, municipal clients, institutional clients, where they may have traffic issues but in that capacity, I've represented 7-Eleven or developers of 7-Eleven at probably 30 to 35 sites throughout the state. I have a fair amount of familiarity with the traffic and parking characteristics of these operations.

MR. SELVAGGI: Have you testified that…or had an occasion to testify or been accepted as an expert in the area of traffic in the superior courts in New Jersey.

MR. DEAN: Yes, I have.

MR. SELVAGGI: I don't have anything further for Mr. Dean.

MR. WEISS: I don't…anybody from the Planning Board have a question for Mr. Dean? Seeing none, we'll certainly accept Mr. Dean as an expert traffic engineer for this case.

MR. SELVAGGI: Thank you.

MR. WEISS: You're welcome again.

MR. SELVAGGI: Let's run with it, but before we do, you did in fact prepare a traffic impact assessment for this project?

MR. DEAN: I did. Just for identification purposes it's entitled, Traffic Impact Assessment for Proposed 7-Eleven dated April 28, 2016.

MR. SELVAGGI: Mr. Chairman, I believe we…that was part of one of our submissions so I hope all the board members have….Ok. Thank you. Now why don't we talk about the work you did and the conclusions you reached.

MR. DEAN: I'll do my best to be succinct as possible. Obviously Route 46 is a…I'll characterize it as busy highway…a corridor that carries appreciable traffic during peak hours which is one of the primary reasons that this particular site and its location on the highway is ideal for a convenience orientated use such as a 7-Eleven. And part of the reason and rational behind that is in the name itself, convenience. And a road that carries fair amounts of traffic volumes becomes an attractive location for such operators because they don't generate traffic per say. It's not an office complex or a residential development that people are visiting for a specific reason most of the stops at uses such as a 7-Eleven are done as a matter of convenience. And my firm and predecessor firms where I've been employed, we've actually conducted face to face interviews with customers leaving a convenience at peak hours and anywhere from 85 to 95 percent of the customers stopped on their way somewhere else. On their way to work in the morning, on their way home at night, on their way taking their kids to school, something of that ilk where people don't make a special trip at rush hour to go to a convenience store. As for that reason as we look at traffic, say upstream or downstream of the site, there's no measurable difference in net traffic activity because this site or this use can survive and be a vital element of the business community simply by intercepting or diverting the traffic already going by the front door. Now, as part of our evaluation and we did quantify a few numbers…I'm sorry…it's part of the profession I'm cursed to talk about a few number with you. But we did recently look at traffic flows on Route 46 and at Woodland Avenue. And we focused on the peak hours as you've heard from Mr. Kimmel between 7 and 9 in the morning and 4 to 6 in the afternoon. And within those perimeters we identified 60 minutes when traffic on Route 46 was busiest. And just because the question will undoubtedly be asked, we counted on Tuesday, April 26 of this year. And actually I stand corrected; we extended our pm counts to 6:30. In the event, that there may be a late or later rush hour.

MR. WEISS: Do you have a page reference that you are reading that from.

MR. DEAN: I do, it's on Page 4 of our report in the discussion of existing traffic volumes. And as I was describing that peak 60 minutes which is the metric traffic engineers use for operations and evaluations occurred at least on that date between 7:15 and 8:15 in the morning and between 4:15 and 5:15 in the afternoon. For general discussion purposes, there were about 23 hundred vehicles in that hour traveling on Route 46 in the morning and that's depicted on Figure 2 which is appended to the back of our report. And the traffic distribution, is predominately east bound in the morning, roughly 1,500 vehicles traveling east in just under 800 vehicles traveling west. In the evening, at that's principally oriented towards points further east but obviously the Trade Zone, Route 80, into Succasunna, etc. In the reverse, we see…I mean the evening, we see the reverse patterns, with slightly higher traffic about 2,500 vehicles per hour with roughly 1,400 travelling directly past the site frontage westbound and about 1,100 continuing east. We also counted Woodland Avenue. It's traffic is busiest in the morning with just under 200 vehicles per hour with virtually all of the traffic…95 percent of that traffic turning left continuing east on Route 46, and in the evening less traffic, about 135 vehicles per hour but still showing that skew eastward on Route 46. So, unquestionably it's a busy highway. And as I indicated this site will attract and I would say be attractive to that activity that's already coming by the front door. The next step in our report is to evaluate how much traffic a 7-Eleven might generate. And if you've heard other traffic engineers, we typically rely on industry standards projections that have been compiled by the institute of transportation engineers, it's a professional organization of transportation planners, traffic engineers, and the like, state departments of transportation. And over the past 40 years ITE as its known, has complied data. They look at traffic counts of actual uses. And

they are published in a document knows as Trip Generation for virtually every conceivable land use, convenience stores, gas stations, fast food restaurants, housing communities, apartment towers, office buildings, and in this case a convenience store. Based on the square footage of the building, which dictates the traffic activity, the ITE data would suggest that the morning peak hour would be busiest with 72 vehicles attracted or customers. Now the traffic patterns on Route 46 obviously skew eastbound which means logically and westbound in the evening, which suggest that site might be busier in the afternoon, but I didn't want to deviate from the standard industry practice, it raises too many issues. And I felt to be conservative let's stick with what the ITE assumes. The one benefit of this site which I neglected to mention but I know Mr. Glasson covered is its location. In its location at Woodland Avenue at a traffic signal and this is very important for a use such as a convenience store that derives this past by or diverted traffic because the signal allows customers to safety and conveniently get back on the highway if they wish to continue east. Think of a jug handle where in New Jersey we make a right hand turn, we come back to the traffic signal and when the light turns green we go left back on the highway. That's sort of the property that this site enjoys. And in anticipation of some of the safety concerns that were raised by board members and the public, you'll note and Mr. Glasson covered that a left turn restriction directly onto Route 46 and I'm referring to exhibit…

MR. WEISS: A2.

MR. DEAN: Thank you. That is a concrete island that is angled with RADI to direct traffic to continue west and it will be conspicuously signed presumably the Title 39 or the motor vehicle code would be implemented so that it can legally enforced that turn prohibition. And the reason it can be done unlike any other neighboring use that isn't at a traffic signal is that the customers desire to normally turn directly left onto 46 can come out to Woodland Avenue, use the traffic signal, wait for a green indication and then very safely and conveniently return to the east. So again for this type of use this what is called a far side corner location is about as ideal as it gets and it allows this applicant self-restrict those left turns. Because we recognize and in my experience in this community trying to make a left on Route 46, four lanes wide, given the speeds of 50 mph plus, is an….an ambitious…task for a driver to undertake and by having this particular use at a signalized corner makes it about as safe as one can design from a traffic engineering perspective. So our traffic analysis then considered a future projection. And that future projection includes obviously the existing traffic that we counted, the traffic added by 7-Eleven, but we also included the traffic and were provided a copy of the Simoff Associates Report for the Mews Residential Project. We included the traffic from that development principally on Woodland Avenue added to the intersection. And we did that under two different scenerials we actually looked how the intersection would operation if the Mews Project is developed and if Woodland Avenue is improved with widening for an additional lane and we did that because that's at least, I'll say the benchmark that's been established by virtue of approvals. However, it begs the question of what is that project never occurs. What are we left with, with a single lane on Woodland Avenue? And so, we also analysis that condition because we can't anticipate who might develop first and in the appendix of our report, we have several figures and principally for the public's benefit but for the boards, traffic engineer use basically a report card, what's known as level of service. A, being the best condition where people wait a fairly short time at a light or a at stop sign all the way down to the range to level of service F, where we…that kind of condition is characterized by long delays, stacking or cueing as the term is know where people may wait through multiple light cycles to travel. And we evaluate as indicated, both scenerials with and without the Mews Project and I'm very pleased to say that level of service C would exist with or without the Mews Project and with the 7-Eleven traffic on Woodland Avenue and that levels of service along Route 46 would be at A and B conditions during both the morning and afternoon peak hours. From a traffic person prescriptive, once again this is somewhat unprecedented and unusual on state highways we typically encounter levels of service E, F, long delays, certainly not the case for this particular location or intersection. And once again it is indicative of a…I can't call it a free flow… of traffic because it's interrupted by the light, but it suggests that the road is wide enough and the signal is designed to process traffic in the most efficient manner. So from our review, obviously putting more traffic on its surface seems like it will have a negative impact. The key component to consider is that we are really just taking the existing traffic already at the front door of this store and diverting it into the site as a matter of convenience and then that traffic will be back on the highway within two and an half to three minutes once that transaction is completed. So the net impact in terms of community and how it effects operations were are finding, yes, there will be more traffic, but certainly the signal in the system can accommodate it safely and efficiently. The last part of our review focused on the site plan and the internal circulation. And our preliminary discussions with NJDOT…as the board is aware…there are two driveways that serve the site. Mr. Glasson described there is one literally at the corner of Woodland and Route 46 and as an old service station it principally was used for the right turn entering movements and customers would come into the fuel dispensers and then presumably if they would continue to their way west, they would just make a right turn and continue on the highway. In 1992, DOT adopted a new set of regulations for access to the state highway. One of the many provisions is

that access at a traffic light at a corner is prohibited now it's grandfathered. Those driveways exist today and depending on the reuse of the property and I think we can all expect there would be something developed on this site, there is a scenerial where that driveway could be allows to remain. In other words, DOT would have no jurisdiction. However, because of the change in use from a service station to a 7-Eleven, and with the desire to improve safety to…to a high degree as possible, the applicant has agreed very wisely to close the corner driveway to eliminate any issues regarding safety at that location and enhance the remaining driveway through the restriction of left turns. The…a DOT permit is required for these changes. It is about a nine month process and I think the fees are up to 9 or 10,000 dollars. So we understand the need to proceed with it. We've had preliminary discussions with DOT every eliminate of this proposal is a benefit and the DOT would welcome having the access improved over the current configuration. As part of the application, the property frontage will be restored or cleaned up. Landscaping will be added. Parking will be provided in properly demarcated spaces, the loading zone has been proposed on the northerly side of the building and then the alternative access which is a…a important term to DOT but also a return to the ingress to continue east on Route 46. And the applicant will pursue that as a result of hopefully a favorable consideration but because it is a time consuming and quite expensive process without the certainly of having an application it would be a little premature to proceed under that basis with DOT. From our review and work with 7-Eleven a suitable number, an adequate number of parking spaces are provided. Part of the reason is as you heard from the testimony from Mr. Kimmel the customers typically in the store, three minutes or less. That means each parking space can turn over or accommodate a customer 20 times an hour. So we have 15 spaces, in and we'll assume some are allocated for employees…we easily can accommodate the projection of 72 vehicles in one hour with the spaces. The typical requirement for 7-Eleven is 10 to 12 vehicles, parking spaces should I say depending on the location and stores have been successfully developed with fewer but it's always nice to have a readily accessible for a customer so that they are not waiting within the isle. Beyond that I find for my review that it's a well conceived plan. It's certainly appropriate for this use. You'll hear from our planner given the size of the property. Not a whole lot that can be successfully developed on this site. It's along a state highway, and undoubtedly the demand will be to develop a use that caterers to that traffic on the state highway. And if there's any specific questions from the board or the public, I'll be happy to address those.

MR. WEISS: Scott, I believe you have a question for Mr. Dean.

MR. VAN NESS: Should the Mews be developed and the Woodland Avenue be upgraded or widened, explain the maneuver that a driver leaving 7-Eleven would have to make to make a left turn on to Woodland.

MR. DEAN: The proposal and we did obtain a copy of the plan is to widen Woodland Avenue and what would be provided are two lanes at the signal. The innermost land or the one at the double yellow line, would be for only left turns to continue east on 46. The lane adjacent to the 7-Eleven property would be a shared lane to go left or to go right. So the 7-Eleven customer doesn't need to jump across the lane if you will in order to go east on 46…he can stay in the lane…immediately adjacent to the site because it will be a double left turn lane to continue east.

MR. VAN NESS: Question is when the driver wants to make a left turn on to Woodland from 7-Eleven…

MR. DEAN: Correct.

MR. VAN NESS: You're explaining the right turn.

MR. DEAN: Yes, I'm sorry.

MR. VAN NESS: You're explaining the right turn, I'm asking about a left turn.

MR. DEAN: A left turn, obviously that driveway and its operation is dictated by the stacking at the signal and the queuing that occurs, the stacking. So, if there are vehicles within that driveway that customer will wait within the driveway to make his turn as we would at any driveway. So once he clears, and the light cycle has ended, he can then turn left. If there is a perception that that movement is so enormously problematic at peak hours, people won't make it. That becomes an inconvenience store. So, the neighbors who are oriented and have direction, I have to doubt will very quickly figure out whether there is a good or bad time to every vision this store.

MR. VAN NESS: Thank you very much.

MS. MOTT: Do you know…what's the timing on the light? Do you the time…like how many…off the top of your head how many cars…if it doesn't get widened and there's the one lane…do you know off the top of your head the time of the light and technically can get thru on a green light?

MR DEAN: I do. I just have to look in my files. I believe it is a…oh, wait. I do have that, it's in our report.

MS. MOTT: Sorry, I didn't see it. That's why I was asking. I'm just curious because if it does get backed up, how just to understand the traffic flow so it does not get backed up.

MR. DEAN: It is a 90 second cycle which means it changes every minute and an half. And that means for both sides. 46 gets 58 seconds of time and Woodland gets 20 and the rest is yellow and red. So…

MS. MOTT: So, in your…you're the expert here…how many cars would that allow to get through…obviously, you know, just a random…I know you can't commit to a number. But what's normal?

MR. DEAN: Within 20 seconds of time…here's the challenge, it depends on what time of day and it depends on…

MS. MOTT: No, I'm trying to get a ballpark…

MR. DEAN: …the quality of the driver and unfortunately..

MS. MOTT: No, I get that…and the texting…and all that.

MR. DEAN: That's my issue…

MS. MOTT: No, I get that…

MR. DEAN: …so, in theory, if people are…I'll say…normally driving…20 seconds would allow…would allow about seven to eight cars to get through. If they are being super alert, that might go up to 10 or 11.

MS. MOTT: Ok. Just curious.

MR. DEAN: And the way the signal work, I'll have to double check, but I believe there are sensors. So if there is no traffic on Woodland, it ceases being green and goes back to 46.

MS. MOTT: Ok. I don't know how that light is down there.

MR. NELSON: Excuse me, it that light only 20 seconds, you're saying green?

MR. DEAN: On Woodland.

MR. NELSON: On Woodland.

MR. DEAN: its 58 seconds on Route 46.

MR. NELSON: That's all it is?

MR. DEAN: Correct.

MR. NELSON: Just under a minute.

MR. DEAN: It's 58 plus 20 so that's 78 and then you have a yellow interval on 46 and then what's called an all red. So once we add up all those times, it's 90 seconds.

MR. WEISS: Dave, you have a question?

MR. KOPTYRA: Yes, on the…in the morning hours, when you make a left hand turn out of Woodland on to 46, how many more projection of cars you figure? Because if you're in a PB station on that corner and you're trying to get out with the heavy volume going east…because I'm part of that

volume, is sometimes with the traffic now, you don't even get a chance to get out of the PB station. So how much more volume you think that store is going…

MR. DEAN: It's the…in my opinion…it's the same volume but we are taking it off of…here's one thing, our report conservatively estimated and I want to get the number correct. There would be roughly 27 vehicles turning left and coming in out of 72. So basically, I'll say roughly 1/3 of the traffic. The reality is, as you heard, a mile and a half down the road on Route 46 east is another 7-Eleven. So we conservatively estimated left turns because that helps me as a designer and engineer figure out whether there could hypnotically be an issue with the operation of this driveway. The reality is I don't know who would bypass the one on the east bound side that they could have visited to come to this one.

MR. KOPTRYA: Well because…

MR. DEAN: because it's harder, they have to make a left…

MR. KOPTRYA: You have a lot of majority of people, myself included, that don't go that way because it is out of my way. So, if I wanted to go that way to the 7-Eleven, if I was a 7-Eleven customer, I would go to the new one instead of going back and fighting the traffic coming back.

MR. DEAN: That's fair.

MR. KOPTRYA: Instead of getting on 80.

MR. DEAN: So, so, we did analysis left turns, but I think the reality is that at least in the morning the pressure for that left hand coming out waiting for the light…

MR. KOPTRYA: It's tough. It's tough.

MR. DEAN: …continuing east. There is almost…I don't want to call it a disincentive…but it's almost like there's not a barrier down Route 46, but functionally because of the…we'll say the complexity or challenges in left turn…

MR. KOPTRYA: And the bend.

MR. DEAN: …there's a disincentive for people to do it when there is one that they passed…a mile away. So, we did analysis that. Going back to your question on the PB and how many more vehicles…it's the same traffic on 46 east, we're just taking some off momentarily and then coming out to Woodland and then they would get right back on…

MR. KOPTRYA: I understand that, but what I'm saying is, if you are going east and you're stopped at the light, you're adding more traffic coming out of Woodland which is tough enough coming out.

MR. DEAN: Correct.

MR. KOPTRYA: Even if you were coming this way, and those 15 cars were…10 - 12 cars, whatever…that's another 10 coming around so you're trying to get out…I don't care what color the light is, you got traffic coming straight and you got traffic…and you're on a bend so you can't judge how fast…and they…I just figured you have an estimate…

MR. DEAN: I do, 17 in an hour.

MR. KOPTRYA: Seventeen in an hour, additional?

MR. DEAN: One every four minutes.

MR. KOPTRYA: That's all.

MR. WEISS: Anybody else from the Planning Board have any questions? Joe, please.

MR. FLEISCHNER: Mount Olive Mews…I mean that's been approved…stakes are out there already. It's going to be built. What do you anticipate at rush hour will be the number of cars that stacked on to Woodland and Netcong Road because they are going to make the turn by the bar and come around to

make that left. Your best guess…of how many cars would be stacked there…because you show 201 cars on your plan…

MR. DEAN: I'll have to check the traffic study for that. I didn't evaluate that particular location only because it was considered as part of the Mews Project.

MR. FLEISCHNER: Yes, because you showed, I think like 201 cars with the Mews Project making the left. And I'm just curious how many cars would stack there at that light back on to Netcong Road.

MR. DEAN: It appears from the traffic study…again, we didn't prepare it, it was done by another firm. I don't know if it was reviewed by this board or Planning Board. And then there was…originally approved for age restricted and then we had the legislation not allow them to become market units…and…it looks like, if I'm reading everything correctly from that study…that…it's 80 vehicles…but I want to double check that number because it seems…there it is…it seems high…

MR. FLEISCHNER: There's 240 units and every one would have at least one car…

MR. SCHAECHTER: But, they are not all driving at the same time.

MR. DEAN: Correct, but as is typically the case not everyone leaves at once. There was an inclusion in the Simoff Study of that left hand turn and the analysis what I'm trying to do and I apologize for the delay…I'm trying to find the figure in their study that isolated how much traffic is attributed to just the Mews at that location. And I…it doesn't look like Mr. Simoff did that…I don't know the answer to that this evening. I'm sorry.

MR. FLEISCHNER: Ok. Alright, thank you.

MR. WEISS: Anybody else from the Planning Board? Alright, let me open it to the public. Anybody from the public has any questions…based on the testimony that Mr. Dean delivered…Mr. Stanford, I believe you have a question for Mr. Dean, if you would come to the podium…

MR. STANFORD: As I said, I'm Richard Stanford, I live on Second Street, my only egress out is Woodland Avenue. And I find that if there's more than five or six cars in line, you don't get through that light. Also, I think one of the statistics given that there's about 2,500 cars per hour passing on Route 80, on Route 46, at certain times and other times there is 1,400 cars passing on 46. That means that there is 42 cars a minute passing through a given spot on the 2,500 time and there is 24 per minute coming the other way. Now I stop at the…

MR. WEISS: Mr. Stanford, I'm going to stop you. Please ask a question. I understand. I understand what you tell me but…we are here to ask a question. Do you have a question based on the testimony that Mr. Dean delivered?

MR. VAN NESS: You will be able to make your statement at a later point in the meeting.

MR. STANFORD: I'm just wondering how I can do it safely because I got hit coming out of Woodland just flipped around by a car coming so fast…

MR. WEISS: Ok. Anybody else from the public have a question? Mr. Patel…

MR. PATEL: Good Evening, again. This is Samir Patel. My questions is, if you can help me understand this about seven cars passing when the traffic light becomes green making a left because these are not moving cars, these are stopped cars. Then they have to go and make a left. I have been there at that junction many times and I can only see about four or maybe five maximum, making left at a time.

MR. DEAN: The first car, there's an inherit delay known as perception reaction time. Someone is not paying attention to the light that's about three and an half seconds. Once the light turns green and that first car gets moving, the subsequent time for each vehicle is about one and an half seconds. So if we take 20 seconds and look at those intervals and assume that not everyone's as sharp as they should be, the math works out to be about 20 seconds or seven cars. So, it could be more and it could be less. It really depends on the aptitude of the driver and whether they are anxious to get through the signal or they are not paying attention and what happens is the sensors think that there are no more cars because someone was napping at the wheel and then the light turns prematurely and that's why not everyone gets through that otherwise could.

MR. PATEL: Other question I have…has there been a study done or do you have any data because that to me is an accident prone zone. There are a lot of accidents that happen in that area. Do you have any data you can share with us?

MR. DEAN: I don't. I can only say that…and not to make light of the situation…accidents happen…and that is endemic to the property, not this use. And no matter what goes on this site, the nature of traffic flow, intersections in general, and that traffic signals in particular…accidents occur. And they occur principally because people are not paying attention. But that has nothing to do with 7-Eleven. It has to do with being at a signal. So whether it's 7-Eleven, a medical office, a day care center, all those other uses that are in fact permitted in the zone, that's a condition that runs with this property. Regardless of what's put on it. So, in anticipation of a safety issue as you have heard, that's why the driveway is restricted, the applicant is not here advocating for direct lefts on to 46. We've already anticipated a safety concern, agreed to close up the corner driveway and restrict the remaining driveway. I think that's far superior then most other uses along 46…not all…but probably most in the corridor.

MR. PATEL: My last question is regarding the C level of service of you mentioned. I see in the morning peak even now and evening peak even now, there are four to five cars left, making left hand, after it has become green and red. By adding more cars, which will come out of 7-Eleven and come because of this new development, hard for me to believe, so help me understand how it could be C, could it not be worse than C?

MR. DEAN: The way traffic engineering works…is although you heard me describe a peak hour, our analyses are actually done on the peak within the peak. We look at the 15 minutes when traffic is actually most concentrated and our analyses assume that that condition persists throughout the hour. To answer your question, it's an average. And the level of service C means on average over the course of that hour, some people experience relatively short delays but even within that hour there might be a five or ten minute period where not everyone gets through the light. But we don't evaluate it on a five minute interval or a ten minute interval; we look at it over the course of the hour. So the capacity…I like it…the pipe has the ability to handle flow at a level of servicey…now that's not to say maybe the light is not working properly or there are periods where for whatever reason people don't get through the light, but based on all of the DOT information we have regarding the light timing and…and the number of lanes that are provided…that is what the industry tells me the level of servicey. But I don't doubt that once in a while someone can't make the light.

MR. PATEL: Thank you.

MR. WEISS: Thank you, Mr. Patel, anybody else from the public? Mam? Ms. Calandra?

MS. CALANDRA: Marilyn Calandra, (C A L A N D R A), I have a question about the…he spoke about widening the Woodland Avenue. Which side of the avenue would they widen? Where is liquor side is or the 7-Eleven side?

MR. WEISS: Mr. Glasson can answer that question for you.

MR. GLASSON: The widening was on 7-Eleven. The widening was on the 7-Eleven side…the curb is moving out on the 7-Eleven side. The curb is moving, this is the present curb, this is the new distances…moving roughly three to four feet.

MR. BUCZYNSKI: Yes, about three feet.

MR. GLASSON: The curb line is going…

MS. CALANDRA: How far down?

MR. GLASSON: …to the other…so right here…going from here to here…referring to the turning we will ease out from the two radius points.

MR. WEISS: Ms. Calandra, can I give a little more insight to that…that the widening of the road is from another project. It's got nothing to do with the 7-Eleven project.

MS. COFONI: It's not part of this application.

MR. WEISS: The widening of the road has been agreed to by another application for something that has already been approved. So...

MR. GLASSON: That's your property? The widening will take place here. So all it will be is this curb line will be kicked out…

MS. CALANDRA: And that little driveway there, that will be closed?

MR. GLASSON: No, that driveway will remain. So, that driveway will remain. That driveway is being better configured…that opening is still there.

MR. WEISS: I hope you have a question. Ok, you can start talking into the microphone.

MS. JELAS: You will take from the side of 7-Eleven obviously you're taking from our property also.

MR. GLASSON: Incorrect. It's within the existing right of way of the street. There is no property to be acquired from 7-Eleven.

MS. JELAS: How you going to put three lanes into two lanes? How you going…

MS. COFONI: It's not part of this application.

MS. JELAS: I know it's not part of this.

MS. COFONI: They are not the ones doing it.

MR. GLASSON: I can explain. Even in front of your property you don't own all the way to the curb. There is a right of way. There is an area that's outside.

MS. JELAS: I don't care for us but for 7-Eleven will be less property that…

MR. GLASSON: No, no, it's an area that's not owned by 7-Eleven. It's an actual area outside the curb…

MS. JELAS: Ok. Thank you.

MR. WEISS: Ok. Anybody else from the public have any questions for Mr. Dean? Ok. I see no questions for Mr. Dean. Can we close to the public? Now what I'd like to try and do, Mr. Selvaggi, is let's work with Catherine to try to come up with a date, we still have some work to do. We will carry this meeting until such time as we agree on the next couple of minutes. Catherine, what do you have?

MS. NATAFALUSY: I know we've got the Hunkle application on July 14th, and Mr. Selvaggi has told me he will be out of town on July 21st. August 11th? I don't know. See we are having a meeting with Hunkle tomorrow and I'm not sure if they are going to be ready to go forward so it's kind of like…

MR. SCHAECHTER: What was that 14th?

MS. NATAFALUSY: The 14th.

MR. WEISS: Can we…

MR. SCHAECHTER: Why don't we schedule it for here and then see what happens.

MR. WEISS: Let's keep it for July 14th.

MS. NATAFALUSY: Ok.

MR. WEISS: Ok. So we are going to continue with this meeting on July 14th. There will be no further notice. At 7:00 in this room on July 14th, this meeting will be carried. As far as the schedule, we will make the schedule when it gets closer if you want to plan your evening whether this application will be first or last. I can't give you that information right now.

MR. SELVAGGI: By the way…Ms…I…my time away is actually the 22nd, so I would be here on the 21st.

MS. NATAFALUSY: Scott is not here on the 14th, I know that. But…

MR. WEISS: Ok. So we will be ok. Can everybody make it on the 14th?

MR. KOPTRYA: July? No, I will be away.

MR. WEISS: Dave, you won't be here.

MS. COFONI: Anyone else?

INAUDIABLE

MR. WEISS: That leaves us with six. How about the 21st? Is everybody here in the 21st?

MR. VAN NESS: July 21st?

MS. COFONI: Yes.

MR. WEISS: Who's not here?

MS. NATAFALUSY: Scott's not here.

MR. WEISS: As a matter of fact, I'm not here on the 14th. Let's do it on the 21st. Ok. So there was a change. This meeting gets carried to July 21st, in this room at 7:00.

MS. COFONI: No further public notice…

MR. WEISS: Yes, there will be no further notice, and as far…7:00 and if you check with the Planning Office, probably a few days prior…we will have the agenda prepared so you'll know exactly what order this will be heard. As you can see some applications get processed very quickly as we saw with the Board of Ed, others take hours. But I can promise you that on July 21st this application will continue. That being said, there is no further business scheduled. I'll hear a motion to adjourn.

MR. VAN NESS: Motion to adjourn.

MR. NELSON: Seconded.

MR. WEISS: Thank you, Scott. Seconded by Dan. All in favor.

(MEETING ADJOURNED AT 10:14:32 PM)

Transcribed by:
Mary Strain, Secretary
Planning Department