

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
February 5, 2019

**Chairman Leonardis** opened the meeting at 7:09 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer, The Courier News and The Star Ledger providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

**ROLL CALL:**

**Present:**

**Gino Leonardis, Chairman**  
**James Gustafson, Vice Chairman**  
**Ken Bonanno**  
**Maria Campagna**  
**Darlene Cullen**  
**Cindy Eichler**  
**Frank Lemos**  
**April Wasnick, 1<sup>st</sup> Alternate**

**Absent:**

**Joseph Scudato, 2<sup>nd</sup> Alternate**

**Also attending:** Larry Lavender, Esq.; Bob Bucco, PE, CME, CPWM; Stanley Slachetka, PP, AICP;  
John Jahr

**MINUTES** (5)

a. November 20, 2018

Chairman Leonardis calls for a motion of *approval* of the above minutes. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

b. December 4, 2018

Chairman Leonardis calls for a motion of *approval* of the above minutes. Mrs. Eichler made motion, seconded by Mrs. Campagna. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Chairman Leonardis. Those oppose: None

c. December 18, 2018

Chairman Leonardis calls for a motion of *approval* of the above minutes. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Chairman Leonardis. Those oppose: None

d. January 15, 2019 – Reorganization

Chairman Leonardis calls for a motion of *approval* of the above minutes. Mrs. Eichler made motion, seconded by Mrs. Campagna. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

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e. January 15, 2019 – Regular Meeting

Chairman Leonardis calls for a motion of *approval* of the above minutes. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**RESOLUTIONS:**

**A. Case #37-18 -- 128 Hamilton Properties  
Block 201: Lot 9.02: R-7.5 Zone  
140 Ten Eyck Street**

Chairman Leonardis calls for a motion of *approval* of the above mentioned resolution. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Chairman Leonardis. Those oppose: None

**B. Case # 7-16 -- John & Eugene Pesaniello (Gene's Auto Wreckers)  
Block 390: Lot 18 & 28: M-3 Zone  
459 & 499 Hollywood Avenue**

Chairman Leonardis calls for a motion of *approval* of the above mentioned resolution. Mrs. Campagna made motion, seconded by Mr. Bonanno. Those in favor: Mr. Bonanno; Mrs. Campagna; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

**HEARING:**

**A. Case #36-18 -- 1335 Associates LLC  
Block 3: Lot 29: OBC-1 Zone (Overlay)  
1335 West 7<sup>th</sup> Street**

The applicant is requesting a Preliminary and Final Site Plan with a Use Variance to construct a three (3) story mixed use building - First floor retail – Second and third floor twelve (12) apartments in total that require variances. Bifurcated application – Use Variance only

Chairman Leonardis read a letter addressed to Joanne Broderick, Board Secretary from Walter K. Abrams, Esq dated February 5, 2019:

*'I received an email last Thursday afternoon advising me that the hearing on this matter was being adjourned because the Board Engineer advised that the application was still incomplete. I have emailed Mr. Bucco on two occasions asking what was missing and why the application is incomplete. After receiving the attached email from Mr. Bucco, I obtained this hearing date from the Board Secretary. The only item in Mr. Bucco's letter that he raised as a question was the name of the Board on the waiver requests. The waiver request for the Planning Board and the Board of Adjustment is identical except for the name, which we immediately sent new waiver requests to him with the corrected Board. I have still not received a reply as to why this hearing was adjourned for this evening and I would ask that the Board has this matter clarified for me since all of our witnesses were ready for this evening. In the interim, I would ask that you relist this for the first available hearing date after your March 5<sup>th</sup> date (my planner will be recovering from surgery on that day) and that notice of the new date be announced to avoid the necessity of republication and renofice. The applicant grants any extension necessary pursuant to the MLULs. Thank you. Very Truly Yours, Walter K. Abrams. Attorney at Law State of New Jersey.'*

Mr. Bucco asked Chairman Leonardis to read an email from him to Mr. Abrams dated December 5, 2018. Chairman Leonardis read:

*'Hi Wally. The application was deemed incomplete on 10/28/18... see attached letter. There are certain documents that must be submitted before the Board can hear the application. I call your attention to the following items that must be submitted prior to the public hearing. Page 2 items E - 2, 5 & 6... Page 5*

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*items F - 2, 3, 4... Page 6 items F - 5, 6, 7, 8, 9, 10... page 7 items F - 12. Please review the letter for any additional information that may be required that I may have missed. Once this information is submitted for your review, the application can be deemed complete and the Board can schedule a public hearing. I trust the above answers your questions. If not and you have additional questions or require any additional information regarding this response please do not hesitate to contact me. Enjoy the rest of your day. Bob. Robert W. Bucco, Jr.'*

Chairman Leonardis stated that if anyone in the audience is here to hear this case it is not being heard. This hearing is scheduled for April 2, 2019.

**B. Case #28-18 -- Fischer Group LLC  
Block 401: Lots 3.01 & 4: M-3 & R-10 Zone  
2225 Hamilton Boulevard**

The applicant is requesting a *Use Variance, Preliminary and Final Site Plan and Bulk Variances* to construct a garage/shop and office building. Variances being requested: Front Yard Setback (House) – Required 50 feet – Existing 3.2 feet – Variance 46.8 feet --- Front Yard Setback (Office) – Required 50 feet – Requesting 6.2 feet – Variance 43.8 feet --- Side Yard Setback (House) – Required 30 feet – Existing 2.5 feet – Variance 27.5 --- Side Yard Setback (Garage) – Required 30 feet – Requesting 10 feet – Variance 20 feet. Bifurcated.

Chairman Leonardis read a letter from James F. Clarkin, III addressed to Joanne, Board Secretary:

*'This letter shall serve as notice to notify you that the Applicant has decided not to move forward at this time and will not appear at the public hearing on February 5, 2019. I will contact you in the future as to whether the application will move forward at some time in the future. Thank you. James F. Clarkin, III, Esq'*

Chairman Leonardis announced to the audience members that this application will not be heard.

**C. Case #32-18 -- JSM Holdings at South Plainfield LLC  
Block 535: Lot 9.01: M-1 & OPA-1 Zone  
2901 Hamilton Boulevard**

The applicant is requesting a *Preliminary and Final Site Plan, Use and Bulk Variances* to construct a 10,080 square foot retail building with drive-thru, an 80,222 square foot office with workshops and contractor's storage yard. Continued from November 11, 2018.

Mr. Doug Wolfson, attorney for Applicant, addressed the Board. Continuation from several months ago. A highly interactive and informative process. Everything that the Board has requested except for one (1) item has been accepted. The Board wanted to engage Mr. John Jahr regarding traffic to exam the report by Mr. Pehnke. Believes that has been completed and has the report. Mr. Jahn will confirm the many items that Mr. Pehnke had in his report.

Mr. Aulenbach addressed the Board. There were several questions at the last hearing about the esthetics. Site plans have not been revised but will be revised to reflect.

- Western side of the property a six foot (6') tan PVC fence along the chain link fence.
- A gate with slats to the yard.
- An eight foot (8') solid PVC fence separating the yard from retail.
- Additional landscaping.
- Remove existing chain link fence in the front.
- Clean up corner in the area of the standpipe.

Mr. Lavender asked if anything has been decided with Mr. Bucco. Mr. Aulenbach stated they have proposed type of landscape but will work with Mr. Bucco. Possibly evergreens.

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Mr. Aulenbach introduced the following:

- Exhibit A-5 - color rendering. Took a drone picture from across the street. Mr. Aulenbach indicated the location the surrounding properties... existing conditions. Superimposed what the building and area will look like once completed.
- Exhibit A-6 - Profile on Hamilton Boulevard. What you will see in your line of site when traveling on Hamilton Boulevard. The front building will hide most of the yard area. Will have the fence to hide even more.
- Exhibit A-7 - Color rendering of material to be used. Cast stone with brick on all four (4) sides. Asphalt shingles. Any roof top units will be hidden by the parapet. Steel man doors. Glass doors.
- Exhibit A-8 - Color rendering for the back building. Brick.

Mr. Aulenbach stated there was a concern on timing. Agree to the following as part of any condition of approval:

- Pave West End Avenue by June 30, 2019.
- Pave existing parking lot during the same time frame.... Existing driveway for the trucks to eliminate dirt onto West End Avenue.
- Long term construction schedule:
  - Start three (3) months after all approvals... no later than July 30, 2019.
  - Including outside approvals.

Mr. Aulenbach stated there were concerns about the left turn out of the retail area. Felt it was safe. Board hired a Traffic Engineer. Since the last meeting approached Middlesex County for the possibility of installing a traffic signal at West End Avenue. No cost to the Borough. Gives ability for their employees to go to the light. Provides the gap between lights.

Mr. Lavender asked Mr. Aulenbach regarding storage of vehicles... types, number etc. Mr. Aulenbach stated spoke to the owner and it is difficult to put a number of equipment. Only can fit what fits. Has to leave fire lanes clear. Has to leave room for trucks to maneuver. Heavy equipment gets repaired on their particular work site.

Mr. Bucco stated that the industrial yard building in his notes stated cars, truck, fleet and repairs for JSM only. Then a sign shop and cabinet shop for JSM only. Garage for the owner's personal cars. Office space for Edgewood Properties. Mr. Aulenbach stated the back area is only for Edgewood and its entities... no third party.

Mr. Lavender asked if paving issue is worked out. Mr. Bucco stated that they have to have a heavy equipment paved area. Will work it out.

Mr. Gustafson reiterated that the paving on West End Avenue will be done and have committed to start no later than July 30, 2019. Would like a timeline for the build out of the retail and industrial site. Mr. Aulenbach stated he has to make a call and will get back to the Board while traffic is being discussed.

Mr. Bucco asked Mr. Aulenbach the hours of operation. Has 6 am to 3 pm extended in the summer and a six (6) day operation. Mr. Aulenbach stated correct and added except during an emergency like a snowstorm on a Sunday.

Mr. Bucco stated his comments have been addressed.

Mr. Wolfson stated he had spoken to Mr. Lavender that there is a jurisdiction issue with the roadway... it is County owned. However, would like to address safety. To confirm what Mr. Aulenbach stated, the Applicant did contact the County. Do meet some of the warrants... but not all of them. Enough of them. With our report, the Boards request and Mr. Jahr's report, the County may agree to the traffic light at West End Avenue.

John Jahr - Najarian Associates, One Industrial Way, Eatontown, New Jersey - was sworn in. Mr. Jahr addressed the Board. He did a study in addition to Mr. Pehnke's study. Works for fourteen (14) Boards currently for traffic services. Had a tight time line. Spend many hours on a Saturday. Across the street from the Applicant's sight is a sports complex. Extremely busy. People were parking on West End Avenue. One (1) of the employees from the sports complex had told people to park in an empty lot next door. Thought a great idea. Once got into the numbers of the study realized there is a problem at West End Avenue. The site distance does not meet the requirements. There have been five (5) accidents, one (1) with a fatality at the vicinity of West End Avenue. Understands the Board concern. Understands the Boards concern for the no left turn out of the retail area. There is a problem at West End

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Avenue. Mr. Jahr reiterated that the site distance is inadequate. Chairman Leonardis asked for a clarification. Mr. Jahr stated that there is not adequate sight distance for a vehicle on West End Avenue to make the left turn onto Hamilton Boulevard. Three hundred sixty feet (360') are required for posted speed of 40 or a design speed of 45. Did a speed study. Has a speed gun. Speeds are 'frightening'. Did speak to the Police Department. Have done speed traps. Mr. Jahr stated the thinking is... people are coming off Route 287 and thinking highway speeds. Higher speeds were towards Piscataway. The Applicant's willingness will not only help them but help the Borough to convince the County to put a traffic light at the West End Avenue intersection. Will not only help the site but will help with traffic. The three (3) lights on Hamilton Boulevard will create gaps. A light on West End Avenue is approximately half way between - within fifty feet (50') of the middle - between the light at South Clinton Avenue and Durham Road. Talked about putting a light from the retail site. Once ran the numbers it is determined that it is better for the area and the Borough to have a light at West End Avenue. Will benefit local businesses... will create gaps for employees to be able to pull out of their respective employers' driveways. Hamilton Boulevard is a four (4) lane road with excessive speed. Would like to do a speed study to show the County the speed should be lowered. The current posted speed is 40. Mr. Jahr instructed the Board to turn to page 12 of 22 which has the results of the speed study. Eighty percent (80%) of the people are traveling above the speed limit. The Board is not surprised. Mr. Jahr stated the Police Department were not surprised. The Police Department requested a copy of the study, however, Mr. Jahr does not feel comfortable in doing so without the permission from the Applicant and the Board. No objections from Applicant or Board Members.

Mr. Lavender asked what are the requirements to have the County to approve the light. Mr. Jahr stated that when the Applicant is working with the County regarding the light, would like to have himself or Mr. Bucco or a Borough Representative present at the meetings. Middlesex County does not like to build traffic lights because they must maintain them once built. The County will try their very best not to have a traffic light. It costs them money in the long. Would like to participate as much as possible in the process with the Applicants permission. Mr. Wolfson stated that he would like the Borough to be involved. The County listens better to a Borough than an Developer. It becomes a public concern. Mr. Lavender asked if Mr. Jahr or Mr. Bucco would be participating. Mr. Jahr stated either or both but will be enlisting the help of the Chief of Police as well. Mr. Lavender clarified with Mr. Jahr that along with the Applicant it would be Mr. Jahr or Mr. Bucco and Chief of Police or a Sergeant or a Lieutenant or the Traffic Safety Officer. Mr. Jahr stated that a governing body will be more accommodating to a 'sister agency' than a Developer. Want to get across to the County that the community wants this light... not just the Developer.

Mr. Lemos asked Mr. Jahr if he did any sight triangle calculations due to the fact the site is on a bend. Mr. Jahr explained that is a key component of such studies. Mr. Jahr explains how the 'numbers' are calculated... speeds - posted or designed for... stopping distance. The sight distance works for the driveway of the Applicants site but not at West End Avenue. West End Avenue does not meet the required sight distance. Shown in evidence of the accidents. Chairman Leonardis questioned the driveway. Mr. Jahr explained the egress driveway of the retail site provides the required sight distance for stopping. However, West End Avenue does not. Mr. Jahr refers to page 7 of his report which diagrams the sight distance and the obstructions. On page 8 shows the sight distance for the retail site. There are no obstructions. However, Mr. Jahr recommends a no left turn out of the retail space.

Mr. Karl Pehnke addressed the Board. He remains under oath. Referencing Exhibit A-4, has discussed with the owner for the need of Edgewood employees to use the West End Avenue driveway. The owner had stated to him that is fine. That would be a condition of employment. Will restrict the area between the retail and office to one (1) way - inbound. Will put an island and strip as one (1) way - away from retail to West End Avenue. Retail only would use the Hamilton Boulevard driveways. Will make that site plan change. Mr. Jahr confirmed with Mr. Pehnke will do anything possible with the Board Professionals to minimize the traffic onto Hamilton Boulevard. Mr. Pehnke stated correct... a retailer needs the full access of the driveway in order to be successful. Will minimize the business traffic... Edgewood. Will be directed to use West End Avenue. Helps with the warrants with the County for the light.

Chairman Leonardis stated from the five thousand (5,000) square foot building to the left going north going to the back of the site between the two (2) evergreens will be one (1) way. However, full circulation at the Edgewood buildings with exiting onto West End Avenue.

Mr. Jahr asked Mr. Pehnke that on the right side of the retail building if it was one (1) way or two (2) way. Mr. Pehnke stated two (2) way. There is a gate to get to the back on that side.

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Chairman Leonardis asked the southeast of the retail building going towards the industrial area will it be gated. Per Mr. Pehnke, yes. Chairman Leonardis asked if it will be a card reader or number pad. Mr. Pehnke stated that they are currently working with the Fire Department and whatever they suggest will do.

Mr. Jahr stated that the last part of his study is the Signal Warrant Analysis. There is a national standard. Has a strict set of rules to when to build a traffic light. There are nine (9) different criteria listed in his report on page 14. Gives a brief summary to the Board. On an eight (8) hour warrant, meet two (2) different hours that are warranted. The four (4) hour warrant, meet one (1) of the warrants. Met peak hour warrant. Chairman Leonardis asked for an explanation of what a warrant is. Mr. Jahr stated a warrant is a criteria that would allow to build a signal. Mr. Jahr stated to have a traffic signal, must meet one (1) volume warrant. There are other types of warrants. Does meet the volume warrant #3 for the peak hour. Almost meet volume #1 and #2. Is confident that a traffic light is needed at this intersection based on the warrants. Other criteria is pedestrian volume, school crossings... not in this case. Meet coordinated signal warrant. There is an accident warrant. Though there have been accidents and a fatality, it does not meet that warrant. In Mr. Jahr's opinion, meet #3 peak hour warrant - # 6 warrant coordinate signal system and #8 roadway network. Warrant 9 is railroad crossing which do not meet. The above is summarized on page 15 of Mr. Jahr's report. Mr. Pehnke will have to argue to the County with the support of the Borough and Police Department. Mr. Jahr reminds all that this is a County road and they have the 'last say'. The accidents are described in his report and the causes. There is a summary page that addresses what the Applicant should do... fix the circulation of the site and the signal light.

Chairman Leonardis asked if the traffic light would be a three (3) way with the sports complex misaligned with West End Avenue. Mr. Jahr stated would have to work with the County Engineer for a solution for all. The road is approximately fifty-eight feet (58') wide. It is clarified that Mr. Jahr is referring to Hamilton Boulevard. Mr. Jahr would like the lanes narrowed to reduce speed. If the County would allow narrowing lanes, may be able to incorporate turning lanes. Mr. Jahr stated he does not want to make these recommendations without the Chief of Police present. Chairman Leonardis agreed.

Mr. Jahr stated must be aware there are a number of driveways for businesses in the area. Cannot unfairly treat other neighbors.

Chairman Leonardis stated that Mr. Jahr had reconfirmed the Board's concern over speed. Would like an explanation of 'gapping'. Times between the lights. How will this light help those other businesses? Mr. Jahr stated using the lights on South Clinton, Durham and the proposed light at West End Avenue... There are two (2) different ways to time the lights. One (1) being the lights work in 'progression'. Light will turn green on South Clinton. By the time the first car gets to the proposed West End Avenue light, that light will turn green. Then at Durham turn green. Not what he is proposing. Mr. Jahr is proposing all the lights turn red at the same time. Then all green at the same time. This will create stop and go. Ultimately, creating a gap. Will slow the drivers down. Possibly, turn the West End Avenue on a forty-five (45) second and the other two (2) on a ninety (90) second turn. Forces the stop and go. It will 'platoon of traffic'. As one platoon clears, the road will be clear for anyone pulling out from any of their other business safely.

Chairman Leonardis asked regarding the timing and how to get County approval. A plan to get a safe traffic pattern starting from day one of the site. Mr. Wolfson stated that the site and the exit from the site are safe. Are in a position this is an approvable application. Recognizes other problems that are not related to the site directly. Believes the Board should take this opportunity to fix a Borough problem with the help of the Applicant. This is a County road. Cannot block the Applicant from getting to and from their site. Willing to help with the signal including paying but cannot make a condition of this application. Mr. Lavender asked Mr. Wolfson what if the County says no to the light. Mr. Wolfson replied then they say no. Mr. Lavender stated the Board can approve you with the condition that the applicant makes the application to the County. Mr. Wolfson stated 'absolutely'.

Chairman Leonardis stated there is an existing driveway that was reviewed with the intensity that is currently there. Since West End Avenue is being used to exit from the site, West End Avenue which is part of the circulation of this site is part of this application. Mr. Wolfson stated it is not. Can be asked to contribute to off-site construction based on the increase use.

Mr. Lemos stated there is a left turn out of the east drive. Don't use the east drive use West End Avenue. Mr. Wolfson asked if Mr. Lemos is referring that retail goes out the back with the trucks onto West End Avenue. Chairman Leonardis stated doesn't believe that retail should go around to the construction area.

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Chairman Leonardis stated that they do have the ability to limit the left turn out of the site. Regardless the ownership of road. Mr. Jahr stated it is the jurisdiction of the town to prohibit turns. County does not do so. The town has that jurisdiction. Knowing this and the help of the Applicant, the Board needs something that guarantees the Board a safe site. Mr. Wolfson stated doesn't know how anyone can have that guarantee. It is not the Governing Body.

Recess was requested and granted.

Chairman Leonardis stated need something to keep this roadway safe.... No left or a signal light at West End Avenue.

Vice Chairman Gustafson stated with the history of JSM and this site, there is the possibility will get West End Avenue repaired. It appears all the trucks will be hidden. West End Avenue is a mess. Believes the light will work. In a similar situation this Board approved a McDonalds on Durham Avenue with the west bound allowable left turn. Testimony of a traffic expert that when the light turns red it will give plenty of time to turn into the egress of the restaurant that the Board did not want. It works to this day. Not a traffic expert and do not know if there are any accidents but does not see any reminisce on the road. Does feel strongly about the failure of getting a traffic signal on West End Avenue. Suggests that if the traffic light does not get approved then the Applicant needs to return for a possible no left turn do to safety and traffic concerns. Believes the site will work. Believes the egress onto West End Avenue is ideal. Having two (2) exits of the site and utilizing a traffic light is good. Using the do not enter and one way circulation for their staff is ideal. Parking pushed back, the fixing of the chain link fence, piping underground is all good aspects of the applicant. Makes motion with the conditions that we do approve the site with the notion there will be a traffic light. If there is no traffic light, the applicant needs to return.

Chairman Leonardis asked Vice Chairman Gustafson that it is his understanding that there will be no movement on the development until the County makes their decision of the light. Vice Chairman Gustafson stated no... the site needs to be fixed. Mr. Lavender stated cannot open for retail but can start building. Vice Chairman Gustafson stated yes. There is more positive than negative on this application.

Chairman Leonardis wants a clarification on what work can be done until an answer is received from the County. Allow to fix West End Avenue... paved, curbed, water runoff etc. - move forward with the construction on the back of the site. Vice Chairman Gustafson would like a clarification from Mr. Aulenbach on West End Avenue. Had four residences on West End Avenue. Issues on timing and resolutions were brought to Mayor and Council. Let them build what they want but no CO on the retail until the light is operable. Mr. Bucco suggest let the back end of the site be built. Find a line for retail until the traffic light is resolved. Mr. Wolfson stated there is a concern by the Board on the timing. Will complete all work within two (2) years. Mr. Bucco asked from what. Mr. Wolfson answered whatever they are allowed to do. Vice Chairman Gustafson asked two (2) years in its entirety. Mr. Wolfson stated does not know how long it will take the County to make a decision.... It can take two (2) years. Is it from when the County says OK. Will that trigger the beginning date. If they say no, then we have to return. Mr. Wolfson stated it is his understanding that if the County says no to the light, they cannot build the retail. Vice Chairman Gustafson stated no... would have to return and tell us how the Applicant will mitigate the left turn with the traffic issues that you have. Mr. Wolfson stated it is his understanding that the employees are to leave the back way onto West End Avenue. Traffic light is needed because of the concern of some Board Members with the left turn out of the retail. Vice Chairman Gustafson stated correct. If the approval is subject to the County light, then retail cannot be built without returning to the Board. Vice Chairman Gustafson stated no... if the County says no to the light, the retail has to come back and need a discussion on how the left turns out will be handled.

Mrs. Cullen stated as part of the motion, put a no left turn in place and once the County decides on the light and it does happen, then the board can pull back the no left turn. Rather have something in place now.

Mr. Slachetka stated that Mr. Bucco and Mr. Slachetka both agree that cannot put a line in the ground and only construct part of the site. Thinking that if the light is not in place, to have a no left hand turn. If and when the light is in place, then there could be a left turn out. Chairman Leonardis agreed. The light is not a West End Avenue solution only. The light is what builds the gap to make safe left hand turns. Wants the light to control the traffic from West End Avenue and gives the benefit at the driveway. Agrees with getting the site developed. Mr. Slachetka stated does pertain the proofs of the site. Chairman Leonardis stated the light will benefit all. Needs to understand the provisions that will be in place if the light does not go through regarding the left turn out... no left turn. The Lieutenant and Board Members have a concern of the left turn. Mr. Wolfson stated that a member did make a motion with some clarification from Mrs. Cullen. It is a decision for the Board to make. It is his understanding that if

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no light no approval. Mrs. Cullen stated she doesn't want to hold the Applicant up. Why can't the Board state no left turn. If the traffic light is approved, the Applicant comes back and can reconsider the no left turn. Vice Chairman Gustafson stated as a condition no left turn until the light is in place. Mr. Bucco stated that can be a condition of an approval in a resolution. Mr. Wolfson stated to clarify, if the light is approved and in place, the no left turn will be removed without the need to returning to the Board. Mr. Lavender stated that can be done.

Mr. Slachetka stated that there will be two alternative plans for the driveway. A right hand turn only plan which will go in effect and the ability to make the left hand turn if the light does get approved. Mr. Lavender confirmed with Mr. Wolfson and Mr. Aulenbach that it is two (2) years for the completion form the approval. Both gentlemen stated yes.

Chairman Leonardis questions the completion of West End Avenue. Vice Chairman Gustafson asked that by July 30, 2019 the paving extends to the entrance of the site for the employees or just trucks. Mr. Aulenbach stated the prior approval was to the employees... stops at Risoli's property. Vice Chairman Gustafson asked Mr. Aulenbach if that includes some paving in the rear exit. Mr. Aulenbach stated yes. Vice Chairman Gustafson reiterated paving for the employees and truck yard. Mr. Aulenbach asked for a clarification. The 2901 parking lot where employees park is paved. Lot 16 the excavation lot. Will pave from 2901 to West End Avenue. Currently, it is dirt. Vice Chairman Gustafson asked about the fence along the hotel. Mr. Aulenbach showed on Exhibit A-4 where the fence will be.

Chairman Leonardis reiterated that all will work together and propose the light to the County. Retail will have a right turn only restriction until the light is approved and operable with a sign or directional barrier. Mr. Aulenbach asked if the driveway has full access in. Chairman Leonardis stated yes for in... right turn only outbound. Once the light is in place, the right turn only will be eliminated... left turn restriction without returning. West End Avenue construction to be completed in July 30, 2019. One way traffic behind the back right corner with the large evergreen trees, sold six foot (6') fence along the landscaping company, eight foot (8') fence delineation between retail and commercial and the enhanced buffering along property lines.

Chairman Leonardis stated since a motion has been given by Vice Chairman Gustafson, calls for a second. Mr. Lemos seconded the motion. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those against: None.

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDANCE:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 9:08 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary