

**MINUTES
SPECIAL MEETING OF THE BUTLER PLANNING BOARD
MAY 26, 2021**

Chairman Nargiso brought the special meeting of the Butler Planning Board to order for May 26, 2021. The Chairman stated this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

ROLL CALL:

Present: Donnelly, Veneziano, Donza, Brown, Roche, Fox, Martinez, Morley, Nargiso

Absent: Vath (excused), Finelli (excused)

Also present: John Barbarula, Board Attorney; Tom Boorady, Borough Engineer

CASES TO BE HEARD:

SP18-75 Butler Plaza
 1510-1516 Route 23
 Block: 201 Lot: 1, 2.01

Peter McArthur, Esq on behalf of the applicant made his opening statement.

Mr. Brown asked their attorney to clarify some points and introduced as evidence a direct mailing advertisement sent out by Panera. [Exhibit B1]

Appearing on behalf of the applicant are the following sworn in witnesses:

1. Algie Hodges, Jr., Wayne. Operations Manager for Panera. Explained the overall operations, deliveries, baking, number of employees and hours of operation.

Open to the Public - Motion: Brown Second: Donnelly Roll Call: All in favor

There being no members of the public wishing to speak:

Close the Public Portion - Motion: Brown Second: Donnelly Roll Call: All in favor

2. Thomas Pugsley, Flemington. Engineer. Presented his credentials.

Motion to accept Mr. Pugsley as expert witness. Motion: Donnelly Second: Fox Roll Call: All in favor

Described the exhibits in the packets given to the Board members dealing with the overall layout of the Panera site and its operations.

Open to the Public - Motion: Brown Second: Donnelly Roll Call: All in favor

There being no members of the public wishing to speak:

Close the Public Portion - Motion: Brown Second: Donnelly Roll Call: All in favor

3. Matthew Seckler, Rutherford. Planner/Traffic Engineer

Mr. Seckler was accepted as expert witness:

Motion: Brown Second: Donnelly Roll Call: All in favor

Mr. Seckler explained the traffic flow and its impact on the site.

Motion to open to the public: Brown Second: Donnelly Roll Call: All in favor

There being no members of the public wishing to speak:

Motion to close the public portion: Brown Second: Donnelly Roll Call: All in favor

4. Joseph Bijou, Edison. Developer Manager

Explained his intentions for the development of the rest of the site and his agreement with Anthony Franco Pizza that they would not exceed 50% capacity until the final COs are issued.

Open to the public. Motion: Brown Second: Donnelly Roll Call: All favor

There being no members of the public wishing to speak:

Close the Public Portion - Motion: Brown Second: Donnelly Roll Call: All in favor

Motion to Approve the Request for Relief from the Resolution #SP18-75 dated June 20, 2019 with the following conditions:

This relief is limited to Panera only

Double drive through aisle to avoid stacking between 4 and 7 PM

Letter from Anthony Franco Pizza limiting its seating to 50% until final CO is issued

Panera's seating limited to 50% for indoor and outside dining until final Certificate of Occupancy is issued

Pick-up, delivery and drive through services are permitted

Switch to smaller WB40 tractor trailer until final Certificate of Occupancy.

The Temporary Certificate of Occupancy to be in effect for the next 180 days.

Motion: Fox Second: Martinez

Ayes: Donnelly, Veneziana, Donza, Morley, Martinez, Fox, Nargiso

Nays: Roche, Brown

Motion Carried.

ADJOURNMENT:

Motion: Donnelly Second: Veneziano Roll Call: All in Favor

Time: 9:48 PM

Next Meeting: Workshop June 10, 2021, 7:30 PM



Chairman

ADOPTED: June _____, 2021