

AMENDED RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
IN THE MATTER OF BUTLER PLAZA PARTNERSHIP
1510 and 1516 Route 23 North
Application No.: SP18-75
Amended as to Panera Bread Only

WHEREAS, Butler Plaza Partnership, (hereinafter referred to as the “Applicant”) seeks to modify the approvals granted by the Borough of Butler Planning Board (hereinafter referred to as the “Board”), prohibiting the issuance of any Temporary Certificate of Occupancy;

WHEREAS, the Applicant submitted an Application with a narrative and circulation Rendering, along with other engineering submissions; and

WHEREAS, the Application was deemed complete and deemed jurisdiction of the Planning Board, as it is to amend an approved Resolution.

WHEREAS, the Applicant presented expert witness on engineering, traffic and planning, as well as operations testimony from the Operations Manager of Panera Bread; and

NOW THEREFORE, BE IT RESOLVED, that the Board, after considering the testimony from the following witness:

1. Alegie Hoges, Jr., Operations Manager of Panera Bread, who testified as to how this Panera Bread can operate safely during the construction on the site;
2. Thomas Pugsley, Engineer, who testified as to parking and delivery of supplies, during the construction on the site;

3. Matthew Sickler, Traffic Engineer and Planner, who testified how opening Panera Bread would affect the traffic flow and adequacy of the site's circulation, as well as the affects opening would have on the planning aspects of the prior approval; and
4. Mr. Byron, the owner's site manager, who testified as to policing the overall construction.

The Board does hereby Resolve:

1. Panera Bread may open and operate under a Temporary Certificate of Occupancy for 180 days from approval granted on May 26, 2021;
2. If the entire site is not complete within the 180 days, Panera Bread must request an extension, prior to the expiration date;
3. The site will be limited to fifty (50%) percent indoor and outdoor dining capacity until the entire site is completed and a final Certificate of Occupancy is received;
4. The owner of the property will not rent the vacant store in the existing building until the entire site is complete. Owner to provide a letter consenting to this restriction, no later June 25, 2021;
5. Panera Bread will develop a plan for a double drive thru from the hours of 4:00 p.m. to 7:00 p.m. This shall be permitted until the site has received its final Certificate of Occupancy. The plan must be reviewed and approved by the Borough of Butler Engineer; and

6. Anthony Franco's Pizza will restrict its indoor dining to fifty (50%) percent capacity until the entire site is complete. The representative of Anthony Franco's Pizza must submit a letter consenting to this restriction, no later than June 25, 2021.

The undersigned certifies that the above Resolution was adopted by the Board on _____
_____ and memorialized this _____
_____, 2021.

FOR:

AGAINST:

ABSTAIN: