Chairman Nargiso brought the Special Meeting of the Butler Planning Board to order for June 13, 2019 followed by a Pledge to the Flag. Chairman noted that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posed at Borough Hall.

Chairman Nargiso welcomed our new board member Marc Piccirillo who will be sitting as a second alternate

**ROLL CALL:**

Present: Donnelly, Roche, Veneziano, Hauck, Brown, Finelli, Piccirillo, Vath, Nargiso

Absent: Alviene (excused), Fox (excused)

**CASES TO BE HEARD**:

SP18-75 Butler Plaza Partnership

 1510 & 1516 Route 23

 Block 201 Lots 1 & 2.01

Peter McArthur representing the applicant

Mr. McArthur stated the last time this was heard the board approved this application for conditional use variance, bulk variance relief as well as preliminary and final site plan. After the April meeting it was brought out that WaWa is permitted under their lease to restrict parking for the 52 spaces that they have under their lease. The testimony is going to relay that there is still enough parking on site and that is true even assuming that all of the other tenants peak with their parking at the same time prior testimony is that they don’t and they won’t. All the 52 WaWa spaces are full or restricted there are still going to be 47 spaces left on the site to which to park. In addition Morris County Planning Board approval has been received on May 9, 2019.

Oath Given

Thomas Pugsley, Jr. Licensed Civil Engineer

North Start Design

361 Route 31

Flemington New Jersey

Accepted as an expert witness by motion

Mr. Pugsley stated there has been a conversation with Sherman Williams the Paint store and they had indicated that they may have an occasional larger vehicle that may come for delivery purposes, minor adjustments were made to the curb in the parking area south of Anthony Franco and west of Panera building. The row of parking spaces east of the free standing sign has been shifted down 5 feet to increase the width of the drive isle from 25 feet to 30 feet in order to make that shift one parking space was rotated from being on the Panera side of the parking and wrapped it around the corner to the Anthony Franco side.

The only other change that was made was to widen the drive isle in the vicinity of Anthony Franco the drive isle that is perpendicular to Route 23 it was made 30 feet in order to allow the tuck to have plenty of access to make that turn. Other than that there have been no other changes to the plans.

Board Engineer stated he thinks this change is an improvement

Jack Desch also agrees that this is a better plan

Board questioned the witness on various aspects of his testimony

Public portion opened by motion for questions and comments

Bob Norman – 31Cascade Way

Questions regarding parking changes and if has been submitted to the state for their approval.

Mr. Pugsley stated that the State will not look or approval the interior flow of parking, they are more concerned with access points.

Mrs. Prudente Decker Road, Ledgewood Village

Had questions regarding the approval of the gas station she was told that questions have to relate to the testimony given this evening and not at past meetings.

Public portion closed by motions

Sonya Ommundsen – Project Manager Stonefield Engineering and Design

92 Park Avenue

Rutherford, NJ

Accepted as an expert witness by motion

Ms. Ommundsen testified to the following

* Parking study and queuing data
* Summary of March 4, 2019 study
* Summary of May 20, 2019 study
* Mixed use development traffic and parking assessment
* Parking Analysis
* Panera Drive through observation
* Weekday evening maximum queue
* Panera Café – maximum queue summary
* Panera Café average transactional time
* Operational and Delivery information

Board questioned the witness on various aspect of her testimony

Mr. Barbarula stated that the resolution states there are no designated parking spaces. If there is no signage if there is no designation, only purpose here is to say in your lease you can give out spaces but no one else will know about it.

Mr. McArthur sated he can represent to the board after the last meeting the conditions were reviewed with all the tenants on the phone; WaWa was the only one that raised the objection.

Mr. Barbarula stated this is an application to allow 52 spots to be dedicated to a tenant. The traffic engineer has testified, the board cannot just lift the restriction that is in the resolution that is going to be read next week, exactly what we didn’t want to happen will happen.

Chairman Nargiso stated that this board is being put in between the client and the land load and the Planning Board has nothing to do with that. Show the board the spaces that are designated for WaWa if that cannot be done the board is not going to be in between the tenant and the land lord is not where the board belongs.

5 Minute recesses

Mr. McArthur sated that they are prepared to pro offer to the board that the spaces for the WaWa the 52 spaces, will be dedicated to WaWa.

Chairman Nargiso stated there will not be any signage how will anyone know

Public portion opened by motion

Bob Norman 31 Cascade Way

Questions regarding number of parking spaces

Public portion closed by motion

Mr. McArthur’s summation

Mr. Barbarula stated the application is for the modification of a condition in the resolution about to be adopted next week, there are no dedicated spots, the applicant is asking that 52 spots be allocated but not designated.

Motion to deny this application

Motion: Brown

Second: Hauck

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Vath, Nargiso

Voted Nay: Finelli

Motion to adjourn

Motion: Brown

Second: Finelli

Adjourned – 8:59 PM

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 Chairman – Planning Board

ATTEST:

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 Secretary – Planning Board

ADOPTEDL: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_