

Franklin Borough Planning Board
Special Meeting Minutes for
July 27, 2011

ORIGINAL

The meeting was called to order at 7:41 PM by the Chairman, Mr. John Cholminski, who then led the assembly in the flag salute.

Mr. Cholminski read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. Lermond, Mr. Zschack,
Mr. Suckey, Mayor Crowley,
Mr. Maugeri, Mr. Zydon, Mr. Cholminski

ABSENT: Mr. Christiano, Mr. Oleksy

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

APPLICATION TO BE HEARD

PB-03-11-1 Group 5 Development, Amended Preliminary and Amended Final Site plan, C Variances, Block 70 Lots 7.05 and 7.02.

Carol A. Hardiman, Certified Shorthand Reporter, was present.

Mr. Brady explained to the Board what their function was for this application and what they were here to review. Mr. Brady said what we are really here for is two functions; one is to the degree things have not changed; has the applicant and its plans complied with conditions and representations in the prior application. Mr. Brady said specifically conditions in our memorializing resolution from April 2008. Mr. Brady gave some examples and some differences in this application. Mr. Brady said it is the details and the changes that we should be focused on. Mr. Cholminski asked if there were any questions from the Board members. The Board members asked Mr. Brady questions.

Mr. Podvey, attorney for the applicant, stepped forward. Mr. Podvey summarized what had been done since the last meeting. Mr. Podvey referred to Mr. Nelson's report dated July 11, 2011. Mr. Podvey said we are agreeing to everything that is in his letter. Mr. Podvey summarized what was in the report.

Mr. Podvey said yesterday he received an email from Mr. Mainardi [owner of Wurtsboro Associates LLC.] asking certain questions. Mr. Podvey said those were answered he thinks to his satisfaction according to an email he got today other than the color of the block for the wall; which he will cover before he is done.

Mr. Podvey said there were certain questions raised by the Hardyston School Board. Mr. Podvey said he can state for the record that these can be conditions. Mr. Podvey said number one, Wal-Mart trucks that deliver do not beep when they back up. Mr. Podvey said number two; we know that the school operates between 8:30

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and 3:30. Mr. Podvey said it is possible to arrange for deliveries to take place between 5:00 AM and 8:00 AM and after 4:00 PM, so that there will be no interference with the school. Mr. Podvey said there is an issue of potential noise, he thinks with delivery issues and the fact that the trucks don't beep that is considerably lessened. Mr. Podvey said there was also testimony from the architect in regards to the power pit that exists on the roof; which would [dent] any sound from any roof top equipment. Mr. Podvey said in order to satisfy the Board we will make Wal-Mart noise expert available to meet with the Board on what is the State standard and also the ordinance standards of 65 DBA maximum during the day and 50 DBA at night.

Mr. Podvey said there is and has been issues with the Board concerning dust and other disruption during construction. Mr. Podvey said the 08 resolution required that we met with the [School] Board to meet their concerns. Mr. Podvey said we certainly attend to do that and tonight our engineer did meet with the Superintendent who's here to answer some if not all of those concerns.

Mr. Podvey said he went through the transcript of the last two meetings and also went through the conditions in the 08 resolution. There were certain items that were open; one was the water tank, what is the color going to be. Mr. Podvey said it will be a beige type color that will blend in with what the building is. Mr. Podvey said earth tone is more accurate. Mr. Podvey said as far as landscaping for the water tower he thinks the best way to handle that, [is] have a post approval condition that we have to satisfy either Mr. Nelson or the engineer in regard to what landscaping would be there.

Mr. Podvey said the next issue that Mr. Brady suggested that we make part of the record is there has been much talk about the color of the block for the retaining wall. Mr. Mainardi had the same question. Mr. Podvey said he has an exhibit A-38 [he had distributed] the retaining wall type and color. Mr. Podvey explained the exhibit. Mr. Podvey said the second page shows the color as "Tahoe" which was what was agreed to by the subcommittee when we met several months ago.

Mr. Podvey said another question that was asked and not answered was the hours of operation. Mr. Podvey said he is told that supercenters operate 24 hours a day and that means that the lighting will be on 24 hours a day.

Mr. Podvey said the Board asked for pictures to be taken from certain spots near the site. Mr. Podvey said that has been done and it has been done rather scientifically. Mr. Podvey explained how the pictures were done.

Mr. Podvey said there were certain questions that were raised with regards to fire issues, he understands that Mr. Suckey and Mr. Petrillo met tonight and hopefully those issues are satisfactorily resolved.

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Mr. Podvey handed out a new exhibit list. Mr. Podvey said he has to make a correction; on the second page you see exhibit A-35 it says view one north east prospective, then after that you have view two. Mr. Podvey said view two proposed east prospective should be marked A-35a.

Mr. Petrillo, architect for the applicant stepped forward. Mr. Brady reminded Mr. Petrillo that he was still under oath from the last meeting. Mr. Petrillo said [he] understood.

Mr. Petrillo referred to exhibit A-32, A-33, A-34, A-35, A-36 and A-37 to explain the different views of the proposed Wal-Mart. Mr. Cholminski asked if there were any questions from the Board members. There was a brief discussion on the exhibits.

Mr. Suckey made a motion to open to the public **PB-03-11-1 Group 5 Development LLC. Amended Preliminary Site Plan and Amended Final Site Plan, C variances, Block 70 lots 7.05 and 7.02**, for the pictures that were just discussed. Seconded by Mr. Maugeri. All were in favor.

Glenn Sumpman, Superintendent of Hardyston School District, stepped forward. Mr. Sumpman commented that the pictures of what we will see probably are from around May 1 to sometime early November; then there is a more open view. Mr. Sumpman said there are plans for plantings and he hopes those planting include fast growing large evergreens to get through the winter months. Mr. Cholminski asked Mr. Nelson based on your report can you answer that question. Mr. Nelson said there will be evergreen plantings, but they're not going to provide an absolute screen probably within [the first] five year period; you will get a good amount of growth in [ten] or fifteen years. Mr. Sumpman asked if the plantings could begin as soon as possible.

Betty Allen, 24 Jenkins Road, Franklin, Stepped Forward. Ms. Allen asked about the height of the wall.

Mr. Zschack made a motion to close to the public **PB-03-11-1 Group 5 Development LLC. Amended Preliminary Site Plan and Amended Final Site Plan, C variances, Block 70 lots 7.05 and 7.02**, for the pictures that were just discussed. Seconded by Mr. Maugeri. All were in favor.

Michael Tobia, Planning Consultant for the applicant, stepped forward. Mr. Tobia gave his credentials. Mr. Tobia gave a brief review of the property and the conditions. Mr. Podvey asked Mr. Tobia how many parking stalls are proposed. Mr. Tobia said parking is one of the variances requested by the applicant. Mr. Tobia said the requirement of Wal-Mart is 931 stalls, up until tonight you heard a proposal that requested a variance down to 835 stalls. Mr. Tobia referred to exhibit A-31 showing three parking stalls to be removed. Mr. Tobia also explained the size of the parking stalls and the variances for the landscaping and parking.

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Mr. Tobia said the free standing building down along Rt 23 has a couple of existing conditions. Mr. Tobia said the proposal is to fix that [building] up and a new parking lot that would have 30 parking stalls. Mr. Tobia said the building does have an existing front yard setback which will be unchanged. There was a brief discussion on what was called the Verizon site and existing variances. Mr. Cholminski asked if the variances on that store are already approved and if there is nothing changing do we really need [to review them]. Mr. Brady said he doesn't see that we need to do it other than just state on the record that the variances remain the same as approved in the 2008 resolution. Mr. Podvey said he was fine with that. Mr. Tobia said ok, he was fine with that.

Mr. Tobia referred to the retaining wall. Mr. Tobia said it is a structure located in the front yard, although that front yard is 400 feet back from Rt. 23 it is still a variance. Mr. Tobia said the height of it with 12 feet permitted and up to 30 feet proposed is the other variance. Mr. Tobia went over the changes in the wall from the 2008 application.

Mr. Tobia referred to exhibit A-32. Mr. Tobia said the artist renders the fence up along the driveway, we are talking about the right turn in and right turn out driveway. Mr. Tobia said it is a solid wood fence on both sides of the driveway all the way down to the street. Mr. Tobia said the request which also requires a variance would be to change the material from solid wood to that same black chain link. Mr. Tobia said the plan would be to request an elimination of the six foot board on board from the Rt 23 intersection to that retaining wall; in that area gets to be 3 feet in height. There was a discussion on the height of the fence. Mr. Cholminski said we have an informal straw poll here [from] the Board, it looks like 4 foot. Mr. Podvey said ok we are fine with that.

Mr. Podvey said [Mr. Tobia] you covered the positive criteria of C 1 and C 2 variances, how about the negative. Mr. Tobia explained the negative criteria.

Mr. Tobia referred to exhibit A-35. Mr. Tobia said at the last meeting Mr. Petrillo summarized the sign variances. He wasn't going through them again but he listened to that testimony, reviewed the transcripts and he thought everyone was comfortable with the signs proposed to the northerly main façade facing the parking lot. He thought he heard you were comfortable with the pylon sign but then he heard a focus on the sign facing west, facing Rt 23. Mr. Tobia said this requires a variance as to the area and the number of signs. There was a discussion on the signs.

The Board to a break approximately 9:05 PM.
The Board reconvened at 9:16 PM.

Mr. Podvey referred to Mr. Knutelsky report dated May 10, 2011 revised June 23, 2011, which sets out the items from his first letter [report dated May 10, 2011] to

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make it short we agree to those items. Mr. Cholminski said you agree to all of his suggestions. Mr. Podvey said to all of his suggestions. Mr. Cholminski said for the record to be clear, it [the report] says May 10, 2011 revised June 23, 2011 that is the letter [report] we are talking about. Mr. Podvey said yes.

Mr. Podvey said at this point we rest. Mr. Brady asked Mr. Podvey to summarize some of the [items] that was outstanding in the 2008 resolution, before you rest and the public comments. Mr. Podvey referred to the old resolution from 2008 and summarized the requirements and he will cover what he thinks they have done in terms of compliance or change.

Mr. Podvey said the first one is the phasing; phase one talked about the Verizon Site which was the demolition of the northerly retail building. This has taken place. Mr. Podvey said construction of phase one which was suppose to take place prior to the filing for amended preliminary and final site plan. That did not happen. Mr. Podvey said he has had discussions with Mr. Brady about this; we put off any consideration of that issue from the first meeting to now. Mr. Podvey said he doesn't know if the Board has any instructions, decisions or changes that it might want to that. Mr. Podvey said the essential part of this was Wal-Mart now could not get its CO until the (referred to it as) Verizon Site was improved. Mr. Podvey said you heard all the improvements the parking, the building and so forth. Mr. Brady explained what he thought was the reason why Mr. Nardella hadn't moved forward with phase one.

Mr. Cholminski said we have heard no testimony to the contrary, what we have here and what we agreed to in the first application is that Wal-Mart can't get a CO until that building is fixed. Mr. Cholminski said he heard no reason why that should change in this testimony. Mr. Cholminski said he thinks that is the only leverage we have to get that building fixed and he sees no reason to change it.

Mayor Crowley said from what Mr. Brady said, the market has kept the occupancy down but in reality every one of those stores is occupied right now. Mayor Crowley said it is at full occupancy even in this down turn economy. Mayor Crowley said since it is in full occupancy and they are getting rent from 5 entities there he doesn't see any reason to make a large change to what we have said. Mayor Crowley said the fact that it is no longer Verizon really doesn't matter. Mayor Crowley said it needs to be upgraded, paved and everything else which is what we originally said in 08.

Mr. Lermond said he remembers in 08 it was all contingent on a different use. Mr. Lermond said so just renovating it with the five tenants that are there, he isn't sure how that all works. Mr. Brady said you have an approval here that has part of it that plan; it could be that layout is internally subdivided. There was a discussion on phase one and the Verizon Site. Mr. Cholminski said the towns leverage is to leave as is. We did the right thing the first time.

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Mr. Podvey said the next area deals with revised engineering plans. Mr. Podvey said the first one dealt with the southerly access drive so that we don't have tractor trailers going in and we agreed that will happen and the signage will be put there.

Mr. Podvey said the details of all fences and similar barriers where suppose to go to a design detail subcommittee. Mr. Podvey said that has happened.

Mr. Podvey said snow removal plan is included, no storage of salt, sand or snow on the site or snow removal equipment on the site. Mr. Podvey said we have agreed to that.

Mr. Podvey said hairpin striping for all parking spaces, we agreed to that. Mr. Podvey explained some changes in the parking. Mr. Podvey said pedestrian access has been agreed to; the sidewalk system was described both by Mr. Grayson and Mr. Harter.

Mr. Podvey said the fixtures have been discussed; he thinks we have an agreement with what is going in. Mr. Podvey said we complied with the requirements of the first plan.

Mr. Podvey said revised plans for the retaining wall shall be in consultation with the design detail subcommittee. We have complied with that.

Mr. Podvey said the enclosure and screening of all trash containers, recycling containers and trash compactors shall be included in the plans. That has been done.

Mr. Podvey said the installation of bollards on the north side of the Verizon building, that's been agreed to.

Mr. Podvey said the plans shall demonstrate means of access to the façade of all retaining walls for construction repair and maintenance. Mr. Podvey said we have that and if we need to get access from the property below which he is told he doesn't need but we should be able to get it.

Mr. Podvey said the plans shall include all survey information utilizing the design of the bypass road profile leading into the Hardyston School property to ensure proposed grading is acceptable. Mr. Podvey said that has been done and agreed to.

Mr. Podvey said plans shall include a roadway cross section for the interconnecting drive and southerly access drive. That has been done. Mr. Podvey said plans shall be revised to be consistent with the testimony of all applicants' witnesses.

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Mr. Podvey said since Wal-Mart was not the big box tenant at that time (2008) it talked about once the identity of the big box tenant was devised including the design features that have a variation of materials, colors, heights and shape of the façade. We have described that.

Mr. Podvey said revised landscaping plans shall include the buffer on the Hardyston School side. We have agreed to that and will continue to meet with the school in terms of any additional trees that may be required and the preservation of trees on their property.

Mr. Podvey said the planning area along the west boundary of the Wurtsboro property of the retaining wall shall be completely revised. That has been done; the whole retaining wall has been done.

Mr. Podvey said all plant material shall be guaranteed for two growing seasons. At the end of the second growing season a report shall be submitted indicating if any need to be replaced; then the installation of plants will be scheduled. Mr. Podvey said we agreed to a post installation inspection and since we agreed to this the first time we can agree to it again.

Mr. Podvey referred to additional shade trees and diamond shape planting areas, we asked for a waiver of that because of a decrease in pervious coverage. Mr. Podvey said we asked that be waived.

Mr. Podvey said all the existing trees shall be retained and marked. We have done that he thinks to everybody's satisfaction. Mr. Podvey read the applicant shall install permanent visible markers delineating the limits of the wetlands and buffer areas. Mr. Podvey said he assumes that was done when the wetlands permits were obtained. There hasn't been testimony on that but the wetlands approvals which the town has should show delineation.

Mr. Podvey said the landscaping shall provide for additional plantings to be installed along the Hardyston property. Mr. Podvey said we have agreed to that.

Mr. Podvey said the revised drainage report; that's been done. Mr. Podvey said revised traffic report; that's been done. Mr. Maugeri asked it says here that the ITE has released the 8th edition of trip generation but for sake of consistency we just did a comparison of the 7th edition of the ITE. Mr. Maugeri asked is there much difference between the 7th ITE edition versus the 8th. Mr. Podvey said he can't answer that he isn't a traffic consultant, he can get that answer. There was a discussion on trip generation.

Mr. Podvey said stormwater management plan shall comply with the regulations of the State of New Jersey; that's been done.

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Mr. Podvey said written approval from the Borough's Board of Public Works in regards to Municipal Water and Sanitary. Mr. Podvey said he doesn't know that we have formal approval from the BPW. Mr. Cholminski said that would be a condition of approval. Mr. Podvey said correct.

Mr. Podvey said proof of submission to the fire department for designs of the hydrant hose connection, etc. Mr. Podvey said we have done that. Mr. Cholminski asked Mr. Suckey if he was good now. Mr. Suckey said yes.

Mr. Podvey referred to affordable housing. Mr. Podvey said lets hold that until we get to item #10.

Mr. Podvey said there is a question to timing of submission of final plans. Mr. Podvey said obviously final plans never got submitted because we came back [before the Board]. That will be done and it will be a condition if this gets approved.

Mr. Podvey said the applicant shall pursue an application for and obtain approval from the DOT for signalization of Rt 23. Mr. Podvey said we have done that. Mr. Podvey said we were supposed to notify you of all meetings; we have done that. Mr. Podvey said the town had its input; we also had to install road improvements and pay fair share contribution for the expenses of off tract improvements. Mr. Podvey said we have agreed to that; he knows there was some discussion on that; Mr. Harter made it clear that in conjunction and input from your professionals, the DOT professionals and applicant, [they] agreed to the Munsonhurst improvements. To pay for those improvements opposed to putting the money into a pool and it go somewhere else.

Mr. Podvey referred to COAH. Mr. Podvey said basically the [old] resolution says you want affordable housing built. Mr. Podvey said Mr. Brady knows I happen to be on the executive committee to the State Chamber of Commerce. Mr. Podvey made a call to see when the governor was going to sign the bill that eliminates the 2.5 percent tax. Mr. Podvey said right now the State law is that we have to pay 2.5 percent of the equalized assessed value. Mr. Podvey said he has discussed this with Mr. Brady and Mr. Ursin, the town attorney, right now we have to pay the 2.5. There was a discussion on COAH.

Mr. Podvey referred to the easements. Mr. Podvey said essentially we had in place and recorded what was called the floating easement which is the easement across the Weis property. Mr. Podvey said there was an amendment to the floating easement it is in fact the permanent easement across the Weis property. Mr. Podvey said a requirement was for a permanent easement with regards to the Wurstboro property that has been negotiated, done and recorded.

Mr. Podvey said what is not done is the permanent easement with the Hardyston School District. Mr. Podvey said he had drafted it, sent it to Mr. Brady and then in

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preparing for this hearing there were certain conditions which he mentioned earlier in the 08 resolution that talked about what we need to do with regards to how far it goes and what the grading is going to be. Mr. Podvey said we will do that and it will continue to be a condition of approval. Mr. Podvey said we will get that done assuming we get the approval.

Mr. Podvey said there is a requirement that we grant the Borough a permanent easement for public use of the entire length of the interconnecting drive. Mr. Podvey said you pay Wal-Mart one dollar and we do everything else for snow plowing, maintaining etc. Mr. Brady asked if this was done. Mr. Podvey said no, because if we don't get approved you're not going to put stuff in place. Mr. Brady said he agrees. Mr. Podvey said if we get approved it is on his list.

Mr. Podvey said there is a requirement that we have to execute and inform the Board and Borough attorney the deed agreeing or rejecting that any future application for development may be made in the event that this project does not [get] constructed. We have to provide for whoever takes over [that] the interconnecting road continues.

Mr. Podvey said we have to have a developer's agreement in place we have agreed to that. We needed to submit a floor plan, we did that. We need to revise a trip reduction plan. Mr. Podvey said we will do that as a condition with regard to the new store.

Mr. Podvey said we have to identify if anything is going to be licensed within the store itself. Mr. Podvey said the only thing we have identified [is] Dunkin Donuts will be a tenant in the store. Maybe a small nail salon at one of the entrances, all the rest will be Wal-Mart.

Mr. Podvey said additional screening along the Hardyston School Board line. There was a discussion on the landscaping.

Mr. Podvey said we need to submit an as-built plan prior to getting a permanent CO. No signage, temporary or permanent shall be permitted on any retaining wall. Mr. Podvey said agreed.

At this time Board members asked question to the applicant.

Mr. Zschack made a motion to open to the public application **PB-03-11-1 Group 5 LLC. Amended Preliminary and Amended Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.** Seconded by Mr. Maugeri. All were in favor.

Jim Kilduff, Franklin Borough Administrator, stepped forward. Mr. Kilduff said he had two comments; one was on the COAH issue. This is a constantly changing situation and he asked the Board to make it clear in the resolution that if there are changes in

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the law that effect the Borough's requirement for Affordable Housing as a result of this construction without regard to dates, that be done. There was a discussion on COAH.

Mr. Kilduff said regarding the mall in the front portion of the property. Mr. Kilduff said the original resolution is a phase resolution and the specific purpose of that was to get the building in the front on Rt 23 fixed up. Here we are several years later and that hasn't occurred. Mr. Kilduff said one suggestion is that certainly a company the size of Wal-Mart the largest retailer has the resources to fund the improvements required that are part of this application. Mr. Kilduff said if they were to do that and work that out with Group 5, we could see that building improve prior to Wal-Mart coming in for their Certificate of Occupancy.

Chris Mainardi, Franklin Shopping Center, 100 RT 23 North, was sworn in at this time. Mr. Mainardi is concerned about the appearance and maintenance of the retaining wall.

Betty Allen, 24 Jenkins Road, Franklin was sworn in at this time. Mrs. Allen gave her concerns in regards to traffic. Mrs. Allen asked about tax abatements. Mayor Crowley explained tax abatements. Mrs. Allen asked about a tenant for the old Wal-Mart. Mrs. Allen is also concerned about how many pharmacy's there are in town.

Glenn Sumpman, Superintendent of Hardyston School District, was sworn in at this time. Mr. Sumpman said he wanted on record regarding the plantings that was on the record earlier; he wanted on behalf of the Board of Ed to agree with the concerns raised by Mr. Mainardi regarding the wall and the graffiti. Mr. Sumpman said it is a concern to him [Mr. Mainardi] as a property owner it is certainly a concern of the Board of Ed as a close neighbor. Mr. Sumpman questioned the fencing. Mr. Sumpman asked about the easement with the Board of Ed; if that will still be addressed. Mr. Cholminski said that will be a condition of approval that the easement is agreed to. Mr. Sumpman thanked the Board members for addressing concerns directly relating to the school and school district.

Mr. Suckey made a motion to Close to the public application **PB-03-11-1 Group 5 LLC. Amended Preliminary and Amended Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.** Seconded by Mr. Zschack. All were in favor.

Mr. Cholminski said we have completed testimony at this time; normally what we would do is go to a vote. Mr. Cholminski said because of the size, scope and number of items we discussed in the summary of things that have to be in the resolution he would like to propose to have a motion to ask the Board attorney to draft a resolution. Mr. Cholminski said so we have a month to get his resolution drafted and organized, the come to the next meeting and actually vote at that meeting. Mr. Cholminski said you will have to provide version 7 versus version 8 of

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the traffic study for Mr. Maugeri. There was a discussion on voting to authorize the Board attorney to draft a resolution.

Mr. Brady said somebody needs to make a motion to authorize him to draft a resolution either of approval or denial. Mayor Crowley made a motion to have Mr. Brady prepare a resolution of approval and present it to us at our September meeting. Mr. Kilduff asked to review voter eligibility for this motion. Mr. Kilduff said Mayor Crowley missed a meeting and he is concerned about him making the motion. Mr. Brady asked have you read the transcript or listened to the tape. Mr. Brady said normal rule is to listen to the tape, he thinks reading the transcript is sufficient. Mayor Crowley said he had not read the transcript. Mr. Brady said since you haven't read the transcript then it would be my advice then have someone else make the motion.

Mr. Cholminski said we have one member miss two meetings and one member missed one. Mr. Cholminski said [missing] one he finds is ok and it's normal you can go through transcript he questions [missing] two. Mr. Brady said technically the law says you just have to listen to the tape or you can read the transcripts so if somebody missed two they can still make it up. Mr. Brady is going to check into the law on someone missing two meetings. Mr. Cholminski said his concern is that you don't get the advantage of asking questions when you are just listening to the transcripts. There was a discussion on the motion.

Mr. Suckey made a motion to re-open up the discussion on internal traffic flow. Seconded by Mr. Zschack. **All were in favor.**

Grayson Murray, Bohler Engineering, stepped forward. Mr. Brady reminded him he was still under oath.

Mr. Lermond asked Mr. Murray to explain the traffic entering into the site and how it interferes with pedestrian traffic. Mr. Murray explained the circulation pattern. There was a discussion on circulation and parking on the site.

Mr. Zschack made a motion to open to the public discussion on internal traffic flow. Seconded by Mr. Maugeri. **All were in favor.**

Judy Williams, 279 Wildcat Road, Franklin was sworn in at this time. Mrs. Williams said she supports this project. Mrs. Williams gave her opinion on the traffic flow.

Mr. Suckey made a motion to close to the public discussion on internal traffic flow. Seconded by Mr. Lermond. **All were in favor.**

Mr. Cholminski said we need a motion for Mr. Brady to draft a resolution for approval it is easier to read a resolution of approval. Then present that resolution prior to the September meeting for everyone to review and be prepared to vote.

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Mr. Zschack made a motion for Mr. Brady to draft a resolution for application **PB-03-11-1 Group 5 LLC. Amended Preliminary and Amended Final Site Plan, C Variance, Block 70 Lots 7.05 and 7.02.** Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Lermond, Zschack, Suckey, Maugeri, Zydon, Cholminski

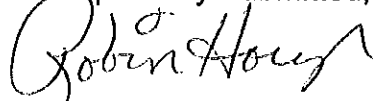
NAYS: None ABSTENTIONS: None

(Motion Approved)

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 10:36 PM on a motion by Mr. Lermond. Seconded by Mr. Zschack. All were in favor.

Respectfully Submitted,



Robin Hough
Secretary