

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Special Meeting
Of April 23, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's special meeting held on **Monday, April 23, 2007**.

Chairman Scott Levy called the regular meeting to order at 7:30 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present were: Mr. Nakashian, Mr. Sacchinelli, Mr. Salerno, Mr. Meer, Mr. Blecher Mr. Diner, Mr. Meer and Mr. Levy.

Absent were: Mr. Charipper,
Ms. Spindel and Mr. Karas both recused themselves from hearing this application.

Mr. Newman arrived at 7:45 p.m.

Also in attendance were William Soukas, Board Attorney; Paul Azzolina, Board Engineer; Mark Kataryniak, Board Traffic Engineer; Cheryl Bergailo, Board Planner; Ann Peck, Assistant Zoning Officer; Karen Kocsis, Court Reporter and Carol LoPiccolo, Zoning Board Clerk.

Estimates:

1. Azzolina and Feury in the amount of \$1,000. regarding McDonald's;
2. Taylor Design Group in the amount of \$1,700. regarding McDonald's; and
3. Birdsall Engineering in the amount of \$1,400. regarding McDonald's.

Mr. Blecher made a motion to approve these estimates and Mr. Diner seconded the motion.

VOTE: All Present - YES.

Invoices:

1. Taylor Design Group in the amounts of \$1,050. for Cumberland Farms and \$845. for Fire Co. 1.

Mr. Meer made a motion to approve these vouchers and Mr. Diner seconded the motion.

Commercial Old Business:

1. Application #2006-018, Sebastian E. Lentini (McDonald's)
37-01 Broadway, Block 2320, Lots 10-12, Zone B-2/R-1-3
Amendment to approved use/site plan approval requires site plan approval as per
RGO Section 125-6.

Joseph Steinberg [attorney for the applicant] came forward. Mr. Steinberg stated that this case has been around a long time and this was first brought before this Board in 2003. The original application was for a drive-thru. This Board denied that application and the matter was then appealed to the Courts and in 2005 The Appellate Division reversed this Board's decision and directed that the site plan which had been presented, be approved by the Board. The Court did not remand the matter to the Board but directed that the site plan be approved. The site plan was then implemented by the applicant. In 2006 an application was made to this Board to amend the site plan. Most of the changes sought by the applicant are minor in nature. The Board's attorney will direct the Board with respect to legal issues, but Mr. Steinberg cited Pizzo Manton Group v. Randolph Township that was decided by the Appellate Division in 1993 and was affirmed by NJ Superior Court in 1994. That case has been unchallenged since that time. If the site plan and/or subdivision complies with the site and Zoning Ordinance, a Board cannot overturn that. The application is a fully conforming application. There are no variances being sought. Mr. Steinberg stated that the witness being presented will only talk about engineering issues, and will not talk about legal issues. Mr. Fears will describe the site and point out to the Board Members every change that has been made. Mr. Steinberg stated that they will not talk about what's there today and what they are seeking.

Mr. Levy asked if they would talk about the original site plan. Mr. Steinberg felt that is irrelevant and only what they want approved is relevant. Whatever is not there will be removed. Mr. Levy asked if they would agree that some things were added after the site plan was approved. Mr. Steinberg replied yes.

Mr. Steinberg wanted to proceed from the beginning regarding testimony describing the site as it is today. Mr. Steinberg would not qualify the witness who is a traffic engineer, since he has already testified before this Board. Mr. Levy stated it would not be necessary since it is an ongoing application.

Mr. Soukas stated that since the application has been interrupted for over 14 months and wanted to know if Mr. Steinberg would address Judge Doyne's Opinion. Mr. Steinberg felt that Judge Doyne's Opinion was not clear. Mr. Steinberg felt that they applied for an amended site plan approval and should be

before this Board. The jurisdiction of this Board is under MLUL. Mr. Steinberg wants to keep the application focused on land use issues only.

Mr. Soukas asked if Mr. Steinberg would address the old resolutions. Mr. Steinberg responded that he will address by a Letter Brief to the Board regarding prior decisions by this Board and, he looked at Birdsall Engineering's report of 4/3/06 and on page 2 of that report it refers to "cross access was illustrated on a 1982 site plan." We inquired on more than 1 occasion seeking all site plans on the file. We have not been provided with any site plan dated December 6, 1982. The site plans we have seen shows the access with arrows from the east to the west. There is a letter in the file from the attorney, Alfred S. Nugent, dated January 3, 1983, in which that attorney representing the applicant states "this is to confirm a representation". That is a representation that was made at the Hearing. Mr. Steinberg read from the letter. The driveway was widened in 2003 to provide a better site line for work. Mr. Levy talked about a 20' wide opening from the 2001 plan and that there were no arrows shown on the plan. Mr. Steinberg felt the Board has a site plan that is fairly minor of an amendment. It is conforming with no variances and the Board has to make a decision to either approve it or not. Mr. Levy asked that Mr. Steinberg submit his Letter Brief to this Board.

Mr. Kenneth Fears [Licensed Engineer, Traffic Operations Engineer] came forward. Mr. Fears stated he was familiar with the drawings and that he was the witness that testified on this application 4 or 5 years ago. Mr. Fears stated that he was familiar with the plans dated 3/2/06. The site plan dated 3/2/06 with a revision date of 4/3/07 was marked as **Exhibit A-4**. Mr. Fears described Sheet 2 of 3. The intent of this plan is to establish the signing that is proposed for this facility. When you enter the site from Route 4 you sees signs labeled P and O. There is a legend on the plans indicating that P and O are no IHOP traffic and no thru traffic to IHOP. Also there were signs about wrong way and no exit. There were 2 sets of signs and are not traffic control signs, but that parking spaces are for McDonald's customers only. As you approach the drive thru area, there is a sign there and 2 proposed signs Drive Thru Keep Left, Parking and Exit Keep Right. There is an island with a sign that says Parking and Exit and Drive Thru.

Mr. Fears continued in testimony with Sheet 3 that is a sign detail that shows mounting, size and a legend for the various signs. Sheet 3 was marked as **Exhibit A-5**. In the center of A-5 is a detail that shows arrows and the intent of that sign is to minimize the amount of signage. Continuing through the drive thru the next signing are 2 stop signs bracketing each side of the drive-thru adjacent to where you place your order. As you move past that point, there is a sign that separates the drive-thru which states Drive Thru and Exit with arrows to clarify anyone moving from the parking lot or Drive Thru. As you move into the drive thru, there is presently a stop sign where the drive-thru meets the isle. Mr. Fears corrected the plan to indicate the stop sign would remain. That is an existing stop

sign on the site. Mr. Fears stated that when you leave the drive thru there is a sign indicating No Left Turn. The motorists then are going to see 2 signs that say Do Not Enter further to the right and states Exit. As you move through the exit aisle there are additional signs indicating that parking is for McDonald's use only. There are also 2 handicapped signs. As you reach the end of the driveway there would be a sign that would have a one way arrow sign and a no left turn symbol sign. The only remaining signage being proposed are if you are leaving the IHOP property to the left of the drive way would be a left turn only sign to bring the motorist to Route 4.

Mr. Fears stated that the other traffic control is a gate between the IHOP and McDonald's sign. The gate would be raised if you are leaving from IHOP to McDonald's. There would be a key if emergency vehicles had to use the access they could. If a customer wanted to go through to the IHOP from McDonald's they could not. Mr. Levy stated that was not part of the site plan approved for the drive-thru. Mr. Fears stated that this plan is for strictly traffic control. Adjacent to the 37th Street driveway there is a sign stating no right turn symbol. Mr. Levy stated that these signs and barriers were placed after McDonald's received their approval for the drive-thru. Mr. Fears stated that some are and some are not. This is what signage will be there. Mr. Levy asked if items that are not on the site plan now, but on the site would be removed if approved? Mr. Steinberg responded yes and that anything not shown on the plan would be removed.

Mr. Levy asked about the fence in the front. Mr. Steinberg made a verbal amendment seeking approval of that fence today. Ms. Peck stated that there has to be testimony about it if it is in the site triangle it has to be reduced to 30". Mr. Steinberg stated they would then reduce it.

Mr. Levy asked what the speed is coming into the entrance. Mr. Fears stated approximately 40 mph on the roadway and when you turn into the site it would be approximately 15 mph. Mr. Levy asked about the traffic patterns. Mr. Fears stated that from the jug handle you could move right into the site or make a right from the traffic traveling west on Broadway. Mr. Fears felt that if someone wanted to enter the IHOP they will turn into the IHOP, not the McDonalds. Mr. Levy questioned the signage that is at the entrance to the McDonald's from the jug handle. Mr. Fears responded that the signs are intended to be read from across the street waiting for a green light, and that both signs were needed. If the entrance signage is to be limited, Mr. Fears recommended that the sign be on the right side.

Mr. Levy asked if the signage could be consolidated. Mr. Fears stated that at any one point in the site, you are only looking at 2 signs at one time. 2 exceptions would be almost at the drive thru where you see more than 2 signs. When you come to the stop sign from the drive thru as well, and felt there was not too much signage. Mr. Fears felt that no signs could be consolidated and the site has been

carefully designed. Mr. Fears described the site plan signage patterns and that there were not too many. Mr. Fears stated that the perception and reaction time are 24" x 24" signs and are visible from the perimeter of the sign. The applicant could reduce the size of some of the signs to 18" x 18". Some signage has to comply with the Uniform Code Traffic Manual as far as size is concerned. Mr. Fears stated again that there was not too much signage. Mr. Levy stated that in a small area there are 2 signs that say Do Not Enter and asked what is the distance between the signs. Mr. Fears stated that approximately 25 feet. Mr. Levy felt that 2 signs were not necessary there. Mr. Fears stated that the Uniform Code Traffic Manual states that there should be 2 signs on either side. Mr. Fears recommended that it should be kept, but would take one out if the Board preferred. The purpose of the 2 signs is to frame the roadway to make it clear to the motorist. Mr. Fears felt that with a gate there they could take one of the signs and put it on the gate, provided it could be done by the manufacturer.

Mr. Newman asked about the parking to the right to the entrance that is not signed. Mr. Fears stated there is no place to put a sign there. Mr. Newman asked if someone could legally park there in the unsigned area and be towed. Mr. Steinberg responded that Mr. Fears could not answer the question and it is a legal question. Mr. Newman stated that signs P and O are to see the signs coming in, and that they should not have done that. Mr. Fears stated that if you are on Route 4 traveling west, you will turn directly into the IHOP. You would not expect to access the IHOP from McDonalds. The purpose of those signs are for the customer coming from the jug handle not to access the IHOP and that it is for McDonald's customers only. Mr. Fears stated that signs O and P although limited, are still effective. Mr. Newman felt that signs O and P were non-essential. Mr. Fears felt it is appropriate to have signage if someone is not supposed to do something. Mr. Newman stated that it is not a safety issue to have those signs and should be removed. Mr. Fears felt only 1 could be removed which would be sign P to the right.

Mr. Levy asked about the signage regarding the towing. Ms. Bergailo had Ordinance 223-21 and asked about the no parking signs. Mr. Fears stated that the applicant had a problem with people parking illegally and he advised that he post a sign indicating towing. Ms. Bergailo read from Ordinance 223-21.

Mr. Levy asked about the sign stating No Entrance to IHOP and if there will be a gate and there is a sign that already states parking for McDonald's Customers Only. Mr. Fears stated that traffic engineering should control the vehicles so they don't go in the wrong place. Mr. Fears stated that once the drive thru was in place a number of cars were to be reduced in the parking lot and there were a number of people parking in McDonald's and walking to IHOP. Prior to the drive thru it wasn't as obvious.

Mr. Levy asked if Mr. Fears took parking counts. Mr. Fears stated 10-15 per hour were parking in McDonald's and going to IHOP. Mr. Fears did not have the dates that the parking counts were taken. Mr. Levy asked Mr. Fears to provide that information. Mr. Fears could not, but testified at the previous hearing the information was obtained through 3 or 4 site visits.

Mr. Steinberg stated that the number of signs about that say if you are an IHOP customer not to park on McDonald's. There is nothing in the Ordinance that says he cannot post a no trespassing sign and he has the right to post signage on his property. Mr. Steinberg referred to the No Parking Sign. In the point of warning the public, more is good, not bad, and we are not violating any Ordinance. The property owner can put any number of signs and is not dictated by the Ordinance. Mr. Levy stated the signage is excessive. Mr. Steinberg asked what design standard has been violated and stated that Mr. Levy felt they have excessive signage, but in fact it is not. Mr. Levy requested that the applicant reduce the amount of signs as discussed by the Board.

Mr. Blecher asked about the entrance from 37th Street. Mr. Steinberg responded that the Municipality has closed that entrance and there is a lawsuit currently in Superior Court regarding this issue. Mr. Newman asked if this site plan is based on that it is assuming it is open. Mr. Fears recommended that it should be both an entrance and an exit with a no right turn sign. Mr. Levy stated that the Council determined it to be unsafe and closed it. Mr. Blecher stated that if it is closed that is another sign that could be eliminated stating the No Right Turn.

Mr. Soukas asked if there was any discussion of non-placement of warning signs in the area of parking to the left of the entrance. Mr. Fears did not know. Mr. Soukas stated that previous testimony indicated signage would not be safe there. Mr. Fears stated that there is not enough space.

Mr. Soukas asked about the gate between IHOP and McDonald's and how the traffic flow would be effected and would there be a stacking of vehicles. Mr. Fears stated that the gate was put as far on the McDonald's site as they could without effecting the traffic. Mr. Fears testified that the arm of the gate is approximately 7' or 8'. Mr. Soukas stated that if a car did approach the gate, they would then have to reverse to exit the property. Mr. Fears stated yes.

Mr. Newman asked if there was a maximum length of that type of gate. Mr. Fears stated that this is typical of a parking garage and in this case where the left turn from the McDonald's exit it could comfortably fit a garbage truck or delivery truck. If you went too big there is a problem. Mr. Newman stated if it were bigger it could be further placed on the McDonald's site and it would eliminate potential traffic problems with vehicles. Mr. Fears felt that with possibly hanging a sign on the arm would be helpful and with 2 signs on either side would deter

any vehicles from trying to enter the IHOP site. An average vehicle is 14' long and felt a vehicle would not get very far into that. If someone wanted to enter the IHOP they would see the gate and the signs and then could turn to the right without backing up. Mr. Newman asked if moving forward could deter the possibility of vehicles going to far forward. Mr. Fears responded that he would look into a longer arm.

Mr. Levy stated that it is limited access between the sites, and before the barriers were put into place there was access. Mr. Steinberg stated that as far as this Board is concerned, the Board only has jurisdiction for site plan and not legal issues regarding cross access. Mr. Steinberg stated that the applicant does not want the access to continue. Mr. Fears stated on his visits to the site that 3 vehicles entered the IHOP site and then backed out into McDonalds, which is a safety concern. IHOP has angled spaces on their site that produces the traffic to exit onto McDonald's which causes a reverse movement. Mr. Levy asked that as a traffic engineer that there be a standard of Mr. Fears records that would indicate counts, dates, etc. Mr. Fears will check his file on what is recorded, but stated it is not a standard practice and when capacity is an issue, you would quantify that. Mr. Fears stated that was done with the drive thru application, not on this application. In support of vehicles parking on the site and going elsewhere, Mr. Fears felt it was not his burden to quantify that. Mr. Fears stated he would provide the dates.

Mr. Soukas asked if Mr. Fears had made any counts on cars exiting IHOP to McDonald's. Mr. Fears would check his file to any numbers. Mr. Fears stated that the capacity of the gate would be sufficient for a vehicle to leave the site, the arm would raise and the vehicle would clear the gate and the gate would lower. The capacity time would be approximately 6 per minute. If there were a steady stream of traffic from the IHOP, the gate would stay up.

Mr. Levy asked about the Do Not Enter signs from the highway. Mr. Fears stated it is a fairly standard sign. Mr. Levy stated it is not common to have a gate when there are signs such as Do Not Enter. Mr. Fears stated that it is in fact common.

Paul Azzolina stated that he received the plans on April 18 and Mark Kataryniak and Cheryl Bergailo received the plans on April 20 and did not have enough time to provide a written report, but would prepare a written report if the Board deemed necessary and would provide oral testimony tonight.

Mr. Kataryniak asked if Title 39 is applicable to this site. Mr. Fears did not know. Mr. Kataryniak stated that Title 39 is enforceable by local police and must comply with the Uniform Traffic Engineering Manual. Mr. Steinberg stated that Title 39 did not apply to this site.

Mr. Kataryniak stated regarding the do not enter signs that there could be a back up of cars and back up due to the gate. Mr. Fears responded that it happens now. Mr. Fears stated that this is intended to prevent that.

Mr. Kataryniak asked if the control arm would be reflectorized. Mr. Fears stated yes.

Mr. Kataryniak asked if the site plan regarding the triangular shaped island - there is one possible movement that is to exit the site. Mr. Fears stated that is what is intended and before the plastic barriers that is not what happened. Mr. Fears stated that prior to the barriers vehicles would exit IHOP and exit through McDonald's.

Mr. Kataryniak asked if the gate would regulate movements such as traffic movements. Mr. Fears responded that sign J contains Exit with an arrow, but it would be nice to have something in that area that would limit movements to a left turn. Mr. Fears wanted to control the movement within the McDonald's lot. Mr. Kataryniak stated that the curb could be modified to accomplish to force the left turn movement and eliminate the potential of traffic within the McDonalds getting too close to the gate. Mr. Fears stated it would reduce the size of the opening and thought it was a good idea. Mr. Kataryniak stated that anyone in McDonald's parking lot that is unfamiliar with the traffic would regulate the traffic so as not to get too close to the gate and have to be make a reverse movement. Mr. Newman asked if an emergency vehicle could make that turn then. Mr. Kataryniak stated it could be a mountable curb. Mr. Fears agreed with Mr. Kataryniak that it could be a mountable curb.

Mr. Kataryniak asked about the signage one way arrow sign at the exit and a no left turn symbol sign and if there is a need for a stop sign there. Mr. Fears thought it would be a good thing to have it, but didn't want to over saturate the site with signage and felt that a stop sign would not be as critical as the no right hand turn symbol, but would add it if the Board felt it necessary. Mr. Kataryniak stated it is appropriate to have it.

Mr. Kataryniak stated that the driveway is on a state highway and there should be a one way sign on the median at the exit. Mr. Fears agreed and would provide the sign with DOT permission.

Mr. Kataryniak asked about signs O and P at the entrance, the effectiveness of those signs are very diminished and concerned about signage at the entrance could result in a motorist doing an abrupt maneuver. Mr. Kataryniak had concerns over a vehicle traveling through over Route 4, that any signage would require the motorist to make an abrupt left turn or stop in the intersection. Mr. Kataryniak recommended that those signs should be removed.

Mr. Levy stated that this site has always had access between McDonald's and IHOP and this changes the situation and maybe the access to IHOP should remain. Mr. Steinberg responded that should not be litigated here - it is a legal right. Mr. Levy stated that there is a discussion regarding the signage for safety.

Mark Kataryniak, Paul Azzolina and Cheryl Bergailo were all sworn in at this time.

A 5 minute recess was taken at this time. The meeting resumed at 10:05 p.m.

Mr. Kataryniak stated that 2 reviews were done on September 21, 2006 and on April 3, 2006. On both of those reports traffic flow patterns were brought up. There are several other issues in these reports. The intent of the report in comparing it to the previous approved site plan, there was an ability to travel from the McDonalds site to the IHOP site. Mr. Steinberg responded before the barriers went up, physically someone could transverse from one property to another, but there is no legal right to do that and Mr. Steinberg objected to it being discussed. Mr. Kataryniak stated that he was not referring to legal rights, but the previously approved site plan, and he represented the Board at that time in 2003 and it was approved by the Appellate Division and that site plan was approved with the signage, access and striping that was existing at that time. Mr. Steinberg objected to the statements by Mr. Kataryniak.

Mr. Karas [counsel for IHOP] objected to Mr. Steinberg's testimony. Mr. Levy stated that the Board can interpret things that have come before, old resolutions, and this is something the Board has a right to hear.

Mr. Azzolina stated that the plans depict an existing chain in the westerly section, but there is no chain in the opening. The number of vehicles that exit through McDonald's site - I observed that all vehicles are forced through the McDonald's property.

Mr. Nakashian wanted to know the amount of years the opening between the 2 properties has been opened. Mr. Soukas stated it is in a Resolution from 1982.

Mr. Azzolina read from his report of September 18, 2006 referencing plans from 1982, which quoted from the Resolution of 1982 and that there is no site plan from 1982 in the file.

Mr. Azzolina stated that the green background on the signs D, G and N is not usually used. Mr. Fears stated that D, G and N should be black letters on a white background.

Mr. Azzolina stated the height of the fence is 4'4" it is an open fence, there are openings so he didn't feel the line of sight is not obstructed and that the Ordinance does not address fencing upon a commercial property as opposed to a residential property. Mr. Steinberg amended his application to include the fence.

Mr. Steinberg asked Mr. Azzolina to read from the Resolution of 1982. Mr. Azzolina read again from his report regarding the removal of the barrier between the IHOP and McDonald's to provide for free access.

Ms. Bergailo asked the applicant to seek NJDOT approval for the sign on the median. Mr. Steinberg responded they would.

Ms. Bergailo had a concern over the 37th Street ingress. The Borough had closed the entrance and felt the Board should look at it as though it is closed and if the Court decides differently, the applicant should come back with an amended site plan. Mr. Steinberg responded if they lose in Court, they would take out the bollards. Ms. Bergailo asked if Mr. Fears witnessed any changes in traffic patterns since the closing of 37th Street. Mr. Fears stated that there are 2 physical changes, one are the barricades at 37th Street and one at the IHOP and McDonald's. The change that Mr. Fears observed is primarily the IHOP access and no longer is there traffic entering from 37th Street. Ms. Bergailo asked if the volume of sales were decreased by the closing of 37th Street. Mr. Fears did not know.

At this time Mr. Levy opened the meeting to Mr. Karas. Mr. Karas questioned if Mr. Fears had the dates of his previous testimony for his observations. Mr. Fears did not have any dates.

Mr. Karas asked if the cars coming into the site feed into the traffic pattern. Mr. Fears stated that he takes into account all foreseeable situations. Mr. Karas asked if he also takes into account how vehicles also get off the site. Mr. Fears responded yes. Mr. Karas stated that when a site is designed is egress taken into consideration. Mr. Fears responded yes and that a stop sign would not be an impediment.

Mr. Karas asked when Mr. Fears reviews traffic patterns are there techniques for signs that are used and curbing. Mr. Fears stated yes. Mr. Karas stated that the curbing has been changed. Mr. Fears disagreed. Mr. Karas stated there is a gate and the prior plan changed the curbing. Mr. Fears replied that at the time of the drive thru the curbing was changed and has not been changed since then. Mr. Karas stated that curbing could be changed to help traffic. Mr. Fears responded yes.

Mr. Karas felt the size of the driveway could limit the cars to go into one direction. Mr. Fears responded no - the area to the rear of the IHOP has a 16' width and before the plastic barricades, does not prevent wrong way direction, if another car is not coming in from the other direction. Mr. Karas felt the size of a driveway could control traffic. Mr. Fears stated it could be utilized, but may not be effective. Mr. Karas asked for 2-way traffic, what is the accepted width for a travel lane. Mr. Fears responded usually a minimum 20' width and there are a number of standards that are looked at such as the speed of the roadway, volume, etc. Mr. Karas asked the width of Broadway. Mr. Fears said under current conditions it is a 15' width without a shoulder and the second lane is 12-15' width, but previously 11' for 2 lanes were acceptable. Mr. Karas asked what width would be recommended for a driveway. Mr. Fears stated there are a large number of conditions that would apply to come up with a number. Mr. Karas asked if a 10' driveway would ever be recommended for both egress and ingress. Mr. Fears stated possibly under certain circumstances. Mr. Karas asked about regarding egress and ingress onto a commercial property. Mr. Fears would not answer without having all the variables.

Mr. Karas asked if Mr. Fears was familiar with the site plan from 2001. Mr. Fears responded that he was involved with the drive thru in 2001. Mr. Karas referred to a site plan dated 4/25/01. Mr. Fears stated that he testified in 2001 in regards to the drive-thru. Mr. Karas asked Mr. Fears if he was aware of the access between IHOP and McDonald's. Mr. Fears stated that the plan he was involved with provided the access being available for emergency vehicles. Mr. Karas pointed out there was a discrepancy from the site plan of 4/25/01 where there was a barrier between the 2 properties, but the approved plan does not show the barrier.

Mr. Karas asked what the width of the driveway to the IHOP site is. Mr. Fears responded 15'. The line work on the plan shows concrete curbing. Mr. Karas indicated that the concrete curbing shows the traffic going away from the IHOP and the plans changed from the area between McDonald's and IHOP and the driveway between the two properties actually is 20' not 15'. Mr. Fears stated that the driveway at the property line is 20'.

Mr. Karas stated that the curbing at the right side is a straight line perpendicular for a boundary line. Mr. Fears agreed. Mr. Karas stated that if you look at the lines placed in 2002, the area with the perpendicular area, there is word that says stop and on top of the stop area is a line. Mr. Fears disagreed.

Mr. Karas asked if Mr. Fears had any input to the final approved plan. Mr. Fears stated yes. Mr. Karas asked if Mr. Fears had any input to the driveway to the IHOP site and if he had any input to the stop lettering. Mr. Fears responded that he did have input to the final plan but not to the stop lettering. Mr. Fears stated that his involvement was that he called for the opening to be wide enough to get a

fire truck from McDonald's to IHOP and that he opposed curbing because that would limit the emergency vehicles. Mr. Karas asked what the normal width of a fire truck is. Mr. Fears responded 8'.

Application carried to June 28, 2007 special meeting date. Mr. Steinberg consented to the time for the Board to act on this application.

Vouchers:

1. Karen Kocsis in the amount of \$325.00 for the April 19, 2007 meeting.

Mr. Sacchinelli made a motion to approve this voucher and Mr. Diner seconded the motion.

VOTE: All Present – YES.

Adjourn:

Mr. Meer made a motion to adjourn this meeting and Mr. Salerno seconded the motion.

VOTE: All Present - YES.

TIME: 11:05 P.M.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk