

July 27, 2006

Mr. Scott called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Rossi, Mr. Martin, Mr. Lukasik, Mr. Bischoff, Mr. Rosol,
Mr. Roth, Mr. Grossi, Mr. Scott

Members Absent: Mr. Mulhall, Mr. Brandt

Others Present: Atty. William Sutphen, Robert Bogart, Carl Hintz, Stephen Souza,
Vincent Uhl, Ken Neuman, William Burr, Erik Silldorff, Atty. Michael
Gross, Robert Stout, Roy Parsons, Frank Goldberg, Michael Beck
Thomas Ricker, John Malley, Lou Pirro, Michelle McBride, Aleta
Lambert, Betsy and Gary Piner, Beth Golden, Douglas Wieder
Robert Everett, Chris Kastrud, Nancy Barton

ECHO Unit: Vega: Block 15, Lot 8.3, 16 Stonehaven Lane: Memorialization of Resolution #2006-005: A motion to memorialize the Resolution was made by Mr. Rosol and seconded by Mr. Lukasik.

Vote: Ayes: Mr. Rosol, Mr. Lukasik, Mr. Martin, Mr. Grossi, Mr. Scott

Correspondence: Toll Bros. Lookout Pointe: Block 11, Lot 8, Rupell Road and Bank Street and Williams Gas Pipeline: No comments

Approval of Minutes: A motion to approve the minutes of the June 22, 2006 meeting was made by Mr. Rosol and seconded by Mr. Grossi.

Vote: Ayes: Mr. Rosol, Mr. Grossi, Mr. Martin, Mr. Lukasik, Mr. Scott

Abstain: Mr. Rossi, Mr. Bischoff, Mr. Roth

Executive Session: A motion to go into Executive Session to discuss the Status of Litigation was made by Mr. Bischoff and seconded by Mr. Rosol. (7:05 p.m.)

Vote: Ayes: Mr. Bischoff, Mr. Rosol, Mr. Rossi, Mr. Martin, Mr. Lukasik, Mr. Roth,
Mr. Grossi, Mr. Scott

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH N.J.S.A. 10: A-4-12**

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A. 10:A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union to discuss in a session not open to the Public certain matters related to the item authorized by N.J.S.A. 10: 4-1b and designated above: Matters Relating to the Status of Litigation.

Now, therefore, be it resolved by the Planning Board of the Township of Union, assembled in Public Session on July 27, 2006, in the Union Township Municipal Building, 140 Perryville Road, Hampton, N.J. 08827, for the discussion of matters relating to the specified items designated above.

It is anticipated the deliberations conducted in closes session may be disclosed to the Public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 7:25 p.m.

A motion to return to the regular meeting was made by Mr. Rosol and seconded by Mr. Mulhall.

Vote: All Ayes

Mr. Mulhall was present for the Executive Session.

Messrs. Rossi and Mulhall left after the Session. The Pilot application is a Board of Adjustment matter and Committee members cannot participate in the Hearing.

Pilot Travel Centers, LLC: Block 11, Lot 24.02, 68 Route 173: Public Hearing

Atty. Michael J. Gross, representing Pilot, said he had submitted Notice of the Hearing. Atty. Sutphen reviewed Notice Documents and found them to be in order, giving the Board jurisdiction to hear the matter. Those Documents were marked Exhibit A-1; the Stipulation of Settlement and Dismissal was marked A-2; the letter from Atty. Gross, dated April 10, 2006, requesting the transfer of the application from the Planning Board to the Board of Adjustment was marked A-3; a letter dated June 12, 2006 from Michele McBride was marked A-4; and a letter dated July 18, 2006 from Leanne and George McGowan was marked A-5. The letters were marked for identification purposes.

Mr. Scott explained the procedure for the Hearing. He said applicant would present a witness. Atty. Gross will question the witness and elicit facts. The Board will be given an opportunity to question the witness followed by questions from Board Professionals. The Public will then be given the opportunity to question the witness. Mr. Scott emphasized that the Public must pose a question to the witness. After the applicant concludes their case, an opportunity will be afforded to offer testimony, opinions and/or facts. Atty. Gross will then have an opportunity to question the Public in that regard. Mr. Scott said for those who submitted letters, testimony must be given for the Public record.

(Board Rule, 2.3.11 Letters of objection and petitions shall not be admissible as part of the record, though the writer of a letter or the signer of a petition may appear and testify.) Atty. Gross gave a brief overview of Pilot's Preliminary Site Plan and Variance application. Mr. Gross said Pilot plans to upgrade the existing property known as Johnny's Truck Stop. Pilot plans an accelerated cleanup of the site, better circulation of vehicles around the site, landscaping and fencing, potential upgrading of water-quality measures, a new septic system with nitrate pretreatment, as well as other features. Atty. Gross said the original plans, dated April 15, 2005, were commented on by Robert Bogart and Kenneth Neuman, Traffic Consultant. Revised plans, dated July 3, 2006, were submitted as a result of Mr. Bogart's comments. Applicant also responded to the Traffic Consultant's letter and the Consultant has replied. Atty. Gross said that applicant is prepared to respond to any of Messrs. Bogart's and Neuman's additional concerns.

Atty. Gross asked Robert Stout, Pilot's Engineer, to come forward. Mr. Stout was sworn by Atty. Sutphen. Mr. Stout stated his credentials. Mr. Scott said the Board would accept Mr. Stout as an expert in engineering. Atty. Gross asked Mr. Stout to give an overview of his connection with Pilot. Mr. Stout said his firm, Stout and Caldwell, was contacted by Pilot Travel Centers to prepare a site plan for the renovation of the facility. The Site Plan, dated April 15, 2005, revised through July 3, 2006 and signed by Mr. Stout, was marked A-6. An Aerial Photograph showing the existing facility and surrounding area, including Roadways, was marked A-7. Mr. Stout said the Truck Stop is located at the Northeast Corner of Charlestown Road and Route 173. There is an Exxon Station and a Liquor Store to the west of the site. There is a Shell Service Center and a Deli (Bagelsmith) south of the site. The closest residence to the site is about 720 feet. Two other residences to the east and the west are approximately 1,500 feet away. The residence to the north is about 1,700 feet away. The Spruce Run Reservoir is north of the site and is about a mile away. A watershed management area is directly behind the site. The site is in the Professional Office District.

Mr. Stout presented an Exhibit, showing Existing Conditions. He said it is a colored rendering of Sheet 2 in the package submitted to Board members and Professionals. Mr. Stout said it is a survey prepared by Thomas Yager Associates on October 22, 2004. He said the red area shows the existing 14,000 square-foot facility. The white areas are concrete bases for the truck scale, the fuel storage tanks, the six fueling positions, the gas fueling station and the fuel storage tanks for the station. The grey area is existing paving. The light green area is grass meadows and overgrowth. The dark green is dense vegetation including woods and evergreens. The Exhibit was marked A-8. Mr. Scott said that Sheet 2 in the package shows a Demolition Plan and is nothing like the Exhibit marked A-8. Mr. Stout said Sheet 2 is the basis of A-8. Mr. Scott did not want A-8 referred to as Sheet 2. Mr. Stout said none of Pilot's plans are exact copies of what was submitted. The Exhibits are colored for easier viewing.

Atty. Gross asked Mr. Stout to state the existing uses on the site. Mr. Stout said there is a 75-seat restaurant, a convenience store, a repair shop and garage that comprises about 14,700 square feet, a diesel fueling station and diesel underground storage tanks, a home fuel oil position, a truck scale and the current gas facility. There are showers, restrooms and a laundry available for truck drivers. Mr. Stout explained fueling positions. Mr. Stout gave general information of how cars and trucks access and circulate around the site. The Traffic Engineer will present details of the Circulation Plan. There are two entrances. The center entrance is across from Exit 12 eastbound. It is the main entrance for cars and trucks. Cars would circulate in an eastbound direction around the facility. There are parking areas southeast and southwest of the building. Currently there are 49 Trucks would circulate in a westbound direction around the facility toward the truck scale, or the fuel position, heading in a northbound direction, clockwise around the building, with perimeter parking on the north, west and east sides. Trucks would exit from a driveway approximately 200 feet to the east of the center driveway.

Atty. Gross asked Mr. Stout the number of parking spaces on the site. Mr. Stout said that currently there are 49 car parking spaces and approximately 72 truck spaces. There is no trailer storage on site. Mr. Gross asked Mr. Stout to describe existing landscaping. Mr. Stout said basically the landscaping appears to have been there for some time. He said there is a row of evergreens in the southwest corner and the north and east sides that were planted as part of a site plan. The existing six-foot high chain-link fence wraps around from the intersection of Charlestown Road and Route 173 continuing north in a clockwise direction from the west side and ultimately surrounds about three-quarters of the east side of the property. The fence is not in good condition. Mr. Stout described the existing Stormwater Management System. He said the site has four areas that drain in four different directions. There are inlets that drain to oil-water separators. Sewage is disposed through an existing septic system east of the building. There is curbing around the facility, the fueling islands and the pump-fueling center. Sidewalks exist around the building. Striping is minimal.

Mr. Stout said Pilot proposes dividing the site. Approximately two-thirds of the upper northwest will remain almost as is. The existing building, parking spaces, fencing, lighting, areas surrounding the gas-fueling positions and the two existing entries will be removed and reconfigured. Curbing will be replaced in the southeast corner and other areas, as necessary. The septic system will be removed and replaced. Mr. Stout presented an Exhibit showing the Lighting and Landscape Plan (Sheet 5 of 9 of the Site Plan). It was marked A-9. Atty. Gross asked Mr. Stout to apprise the Board of the proposed fueling positions. Mr. Stout said the upgraded gas island will be in the same position. Four more diesel fuel islands are being added which will create three more fueling positions for a total of nine. The existing canopy will be extended and refaced. The building will be razed and replaced with an approximate 8,000 square-foot structure that will accommodate a Subway, convenience store, restrooms, laundry and showers. The existing building has approximately 14,700 square feet.

Mr. Stout described the proposed lighting. He said with the exception of the lighting at the two entrances, the proposal meets the Township Lighting Ordinance requirements. Pilot proposes planting 80 trees and about 270 shrubs and bushes. A number of trees will be planted to supplement those existing in the southwest area. Shrubs will also be added to that area. Curbed islands are proposed to break up the paved area. Chain fencing with slats to provide privacy are proposed. Stormwater Management Plans include updating some of the existing areas and utilization of eco-friendly curb pieces and a flo-gard type of drainage system which helps reduce solids entering the system. A loading area is proposed to the northwest of the building. Atty. Gross asked Mr. Stout about current and proposed signs. Mr. Stout said there are signs on top of the building, in front of the building and on the gas canopy. Pilot proposes using the existing free-standing sign in front of the building. It will be lowered and the size will be reduced. The Johnny's Truck Stop sign will be removed. Signs will be on the building with Pilot and Subway Logo's. A new free-standing sign will straddle the scale. Pilot proposes 72 car parking spaces (62 in front of the building, 10 in the back). The 10 spaces will be for employee and handicapped parking. Applicant proposes 91 truck parking spaces. The location will remain the same. Mr. Stout provided an overview on access and circulation. The Traffic Engineer will provide additional information. The existing driveway in the center of the site will have minimal change. It will be used for cars. There will be a very large truck entry and exit approximately 200 feet to the east. Trucks will enter from Route 173 and travel northbound, counter-clockwise into the site, wraparound in order to fuel up and exit via the same access. Mr. Stout said there is an existing car-diesel pump on site. Two car-diesel pumps are proposed. There is an existing home-heating oil facility. Mr. Stout does not think that facility will be operated by Pilot.

Atty. Gross asked Mr. Stout to describe the bulk variances that Pilot is seeking. Mr. Gross said there is a Use Variance. Mr. Stout said the following variances/waivers are being requested: Maximum impervious surface ratio (Section 30-4.10b) 25% required in the Zone, existing has 50%, applicant proposes 50%; (Section 30-7.1e) No structures within a front yard and a setback of 50 feet, there is an existing car parking area of 20 feet and applicant proposes the same, existing truck parking is at 9 feet and applicant proposes moving that back to 20 feet, the existing chain-link fence and oil separator are within the front yard setback; (Section 30-7.2f.4) No parking in front yard or within 10 feet of a side or rear yard, there is existing car parking within 20 feet and 50 feet is required and applicant proposes the same; (Section 30-7.2.fb) Surrounding parking areas with landscaping 4 feet in height; Mr. Stout said Pilot proposes some planting around the south side of the parking area, the remaining area will be surrounded with trees; (Section 30-7.3c) Loading area shall be buffered and landscaped, Mr. Stout said that is in a parking area and, therefore, could not be screened; (Section 30-7.4b1) 50-foot Visual barrier or landscape screen for the northern border, Mr. Stout said the existing truck parking is 25 feet from the northern setback and applicant does not propose a change; (Section 30-7.5c1a) Maximum light pole height, required is 16 feet, proposed are 26 and 18 feet;

(Section 30-7.5d1) Illumination standards, applicant seeks a variance due to safety requirements; (Section 30-8.5c.5a), Signs not to exceed 40 square feet combined surface area, applicant proposes signs totaling 191.67 square feet; (Section 30-8.2e) Signs to be located a distance equal from the height of a pole to the lot line, the existing sign is 7 feet from the setback, the Ordinance requires 14 feet, applicant proposes a smaller sign to be relocated with a 7 foot setback; (Section 30-8.2j) One sign per frontage, Mr. Stout said there are two street frontages, applicant proposes three signs, one on the building, one free-standing sign on Route 173 and the other by the scale. Mr. Stout said applicant also sought a waiver from the Natural Resource Inventory (Checklist #37). He said that can be added to proposed plans. Atty. Gross asked about steep slopes. Mr. Stout said there are steep slopes on the east side of Charlestown Road that will be mapped; however, the area will not be changed. Atty. Gross said he had no further questions.

Mr. Scott asked for questions from the Board. Mr. Bischoff said Mr. Stout had stated distances to nearest residences to the north and west; however, distance to the south wasn't mentioned. Mr. Stout said the closest non-commercial structure he had was the School and that is approximately 1,350 feet. Mr. Bischoff said there is a residence prior to that. Mr. Stout did not have that on the plan. He said it would be approximately 600 feet. Mr. Roth asked Mr. Stout about the proposed showers and laundry facilities. Mr. Roth asked if those facilities exist. Mr. Stout replied in the affirmative. Mr. Mulligan will provide testimony on the capacity and uses. Mr. Stout said they are operational issues. Mr. Roth had a question about proposed signs and they would be less than existing. Mr. Roth said it appears the sign area would be double. Mr. Stout said that was not done. Mr. Scott asked Mr. Stout if he would be testifying about storm water. Mr. Stout said he would be. Mr. Scott asked the direction the storm water would flow. Mr. Stout said the area to the west drains toward Charlestown Road to the oil separators and to the north the water would flow down Charlestown Road. On the east side, one section would drain toward the rear detention facility and one section would drain into the NJDOT Highway system that runs eastbound on Route 173. Mr. Scott asked if the water on the west side would drain into the steep slope area. Mr. Stout replied in the negative. He said the steep slope area is behind the truck loading area. Mr. Scott said that north of that is the Spruce Run Reservoir Watershed Management area. Mr. Scott said that is a habitat for foxes, deer, etc. Mr. Stout agreed. Mr. Scott said he understood the flow of truck traffic would be around the perimeter of the property by the WM area. Mr. Stout said it will be the same circulation pattern, only in reverse. Mr. Scott referenced A-9. He said trucks would travel in a southwest direction toward the truck fueling station, make a U-turn toward the WM Area and exit. Mr. Stout said the Traffic Engineer will provide additional information.

Mr. Scott said he understood Pilot proposes expanding the truck diesel fueling canopies and the number of fuel stations. That would be an expansion of the existing non-conforming use. Mr. Stout provided further information on lighting.

He said Pilot would not comply with internal lighting for safety reasons; however, lighting intensity at the property line does comply. Poles are higher than allowed by Ordinance. Mr. Scott questioned Mr. Stout about the variance request from Section 30-7.2f of the Ordinance. Mr. Stout said that pertained to landscaping around the parking areas. He said applicant could not provide 4-foot landscaping around the entire area. Mr. Stout said the septic system would be replaced. Pilot will have their Environmental Consultant provide information on the system. Mr. Scott asked about the Watershed Management area. Mr. Stout said it is on the east and north sides of the property. Mr. Stout said he had been at the site at various times during the spring, summer and fall and basically between the hours of 10:00 a.m. and 6:00 p.m.

Mr. Scott asked for questions from Board members and/or professionals. Mr. Bogart asked Mr. Stout if additional testimony would be given on storm water management or was that the sum and substance on drainage. Mr. Stout said that was the substance for drainage. Mr. Bogart said Mr. Stout indicated there were no trailers kept on site. Did that exclude the trucks related to the home fueling business? Mr. Stout said he was not familiar with what was there. He deferred that matter to Mr. Mulligan. Mr. Bogart asked about the additional use (home-fuel business). Mr. Stout said he knew that use was there. Mr. Scott asked Mr. Stout how he knew the traffic circulation proposal would work. Mr. Stout said applicant has worked with traffic consultants to make sure truck movements would work. Mr. Scott asked Mr. Stout about the existing home fuel supply area. Mr. Stout said it consists of a few tanks and he had observed fueling trucks when he was at the site. Mr. Bogart asked Mr. Stout if he designed the lighting. Mr. Stout said no, the plans were prepared by an outside consultant. Atty. Gross said if the Board wants the lighting consultant to testify that would be done.

Mr. Bogart asked Mr. Stout if he had spoken to NJDOT about the site access and its location. Mr. Stout replied in the negative. He said the Traffic Consultant is handling DOT traffic issues, as well as circulation on site. Mr. Grossi asked Mr. Stout if he had input into the number of parking spaces. Mr. Stout said that decision was made by Pilot. Dr. Souza asked Mr. Stout if he was familiar with the Township Storm Water Management Ordinance. Mr. Stout said "yes". Dr. Souza asked if the project had been designed in accordance with the Ordinance. Pilot is proposing less than a quarter of an acre of impervious surface coverage. He said there would not be additional input. Dr. Souza asked Mr. Stout if he was familiar with the definition of major development, disturbing one or more acres of land or creating one or more acres of impervious surface. Mr. Stout said "yes". Dr. Souza said the site plan does need to comply with the Storm Water Management Ordinance. Atty. Gross said he thinks there is a legal issue. Mr. Scott thinks the issue is an engineering point. Mr. Gross asked to address the matter. He said part of the Ordinance indicates that water quality has to be provided only if more than 1/4th of an acre of impervious coverage is added. Atty. Gross said his client recognizes the proximity to Spruce Run and is willing to meet with Dr. Souza to discuss the matter. Mr. Bogart asked Atty. Gross if applicant would comply with the Ordinance.

Atty. Gross said applicant would attempt to comply. He said legally, his client does not have to, but feels they should. Mr. Bogart asked Mr. Stout if he knew the ultimate disposition of water from the watersheds shown on the Plan. Mr. Stout said it was the Spruce Run Reservoir. Mr. Scott asked Mr. Stout if the proposed Plan complied with the Ordinance. Mr. Stout said "yes". Mr. Scott asked that Mr. Stout not go back to the 1/4th acre argument. Atty. Gross objected to Mr. Scott's question that was based on a false legal premise. Mr. Gross said his client did not have to comply. Mr. Scott asked Atty. Gross if he wanted that testimony on the record. Atty. Gross said he objected to the question and that Mr. Scott could overrule him. Mr. Scott said he might sustain Atty. Gross. Mr. Gross was sustained. Dr. Souza asked Mr. Stout if the proposal would satisfy Township requirements from a storm water quality perspective. Mr. Stout replied "yes". Dr. Souza asked Mr. Stout if he had specifications on the dimension, capacity and routing capability of the oil/water separator. Mr. Stout said he did not. Dr. Souza asked if there was data on capacity, dimensions and routing capacity, flows and volumes of the storm water detention basin. Mr. Stout said applicant has preliminary work numbers based on the survey. Dr. Souza asked if a routing analysis had been supplied to his office or Mr. Bogart's. Mr. Stout said that had not been done, however, the information they have will be provided. Dr. Souza asked Mr. Stout if filter inserts proposed are State CAT certified for total suspended solids removal. Mr. Stout said they were not. He said they have manufacturer's specifications and the inserts would not remove total suspended solids. Gross particulates like leaves would be removed, but not suspended sediment, nutrients, petroleum or heavy metals that would reach the watershed management area, Mulhockaway Creek or the Spruce Run Reservoir. Mr. Scott asked about the capacity of the filters. Mr. Stout said he would get that information.

Dr. Souza asked Mr. Stout the capacity of the filters to store gross particulates. Mr. Stout said he did not know. Dr. Souza said probably 5 cubic feet. He also said extensive maintenance would be required and that Pilot's proposed storm water management capabilities are basically zilch. Mr. Stout said it would be an improvement over what exists. Mr. Scott asked Dr. Souza if the requirements he is talking about are necessary to safeguard the general welfare relative to environmental issues, adjacent properties and the public at large. Dr. Souza said "yes, they are". Mr. Scott mentioned the requirement aspect as it relates to an expansion of a non-conforming use. Dr. Souza asked Mr. Stout if he had reviewed Dr. Sildorff's report that was prepared for the Union Township Environmental Commission. Mr. Stout said he had. Applicant's Environmental Consultant will provide testimony on that report.

Mr. Scott asked Mr. Hintz to question Mr. Stout. Mr. Hintz asked the number of seats in the existing restaurant and the number in the proposed restaurant. Mr. Stout said there are 75 existing and 44 are proposed. Mr. Bischoff questioned the number proposed. Mr. Stout said it was 44. Mr. Hintz asked if that was for the Subway and Mr. Stout said "yes". Mr. Hintz asked the existing and proposed square footage of the convenience store. Mr. Stout said the existing square footage is 717 and proposed is 3,783. Mr. Hintz asked about the front parking area for the convenience store/Subway.

He wanted to know what would prevent a truck from entering. Mr. Stout said the only trucks entering the area would be the fueling truck. Pilot does not want trucks going into that section. Mr. Hintz asked about signage to limit trucks. Mr. Stout said only that which was proposed. Applicant would be willing to add more signage. Mr. Hintz asked about RV parking. Mr. Stout said anything over standard car size would park in other areas. Mr. Hintz said he understood the current number of truck parking spaces to be 72 and that would increase to 91. Mr. Stout said that was correct. Mr. Hintz understood car parking spaces would increase from 49 to 72. Mr. Stout said "correct". Mr. Hintz asked how the impervious coverage would remain at 54% with an increase in parking spaces. Mr. Stout said the building has been reduced by approximately 8,000 square feet and the truck aisle has been consolidated. Mr. Hintz asked if an overlay had been prepared showing the before and after. Mr. Stout said they do not have an overlay, however, Exhibits A-8 and A-9 provides the information. Mr. Hintz asked if the existing survey shows truck parking spaces. Mr. Stout said that information is not shown. A field count had been done prior to tonight's meeting and there are 72 truck spaces. Mr. Hintz asked if there was a variance request for the buffer standards of the Ordinance. Mr. Stout said there is a request for 25 feet where 50 feet is required. The other request is from surrounding parking areas with landscaping 4 feet in height.

Mr. Scott asked Mr. Uhl if he had any questions. Mr. Uhl asked Mr. Stout about the septic system. Mr. Stout said it would be replaced with a much more efficient system. An Environmental consultant from Whitestone is working on that aspect. The Consultant would know the capacity of the system and he will give testimony. Mr. Uhl asked if there had been an analysis of water uses by different categories. Mr. Stout said that would also be testified to by the Consultant. Mr. Uhl asked the nearest comparable facility, as well as whether there was spill control planning. Mr. Stout deferred those questions to Mr. Mulligan. Mr. Uhl asked the distance from the nearest storm sewer outlet to the Spruce Run, as the crow flies. Mr. Stout said it would probably be 500 feet to the nearest receiving stream. Mr. Uhl asked the distance to the Reservoir. Mr. Stout probably it would be between 3,000 and 5,000 feet. Mr. Uhl asked about the storm water analysis. Had applicant done any travel time scenarios for different storm events from the facility to the Reservoir? Mr. Stout said they had done everything within the site just to keep it existing. Mr. Uhl asked if Pilot would be addressing the existing and proposed fuel storage. Mr. Stout deferred that question to Mr. Mulligan. Mr. Uhl had nothing further.

Mr. Bischoff asked Mr. Stout if the existing laundry and shower facilities were going to be maintained. Mr. Stout said "yes". Mr. Bischoff asked if those facilities would be expanded. Mr. Stout said presently there is one washer and one dryer. Four washers and eight dryers are proposed. Mr. Bischoff asked about showers. Mr. Stout said there are four male showers and two women's and one for employees. The number of showers will be decreased to six. Mr. Bischoff asked if the septic system size would be increased.

Mr. Stout said that Whitestone or the Environmental Consultant would provide that information. Mr. Scott asked for other questions from Board members or Professionals. Dr. Souza asked if any inspections had been made at the outfalls where storm water is being discharged off site into swales or streams. Mr. Stout said that had been done. He said there are three outflow points. Erosion did not appear to be a problem. Dr. Souza noted the Phase I Study confirmed some excessively high contaminants in the oil water separators. Mr. Stout said he was aware of that issue. Mr. Scott asked Dr. Souza if there was a relationship to the anti-degradation requirements. Dr. Souza said his report indicates that there are known problems with oil/water separators and re-suspension and the release of sediment. Dr. Souza said after a storm event contaminants could be discharged off site. Mr. Scott asked "Mulhockaway Creek"? Dr. Souza said "Eventually down at the Spruce Run". Mr. Scott said the Mulhockaway is a C-1 Creek. Dr. Souza stressed the importance of upgrading systems to provide some degree of true storm water quality management. Mr. Bischoff asked for clarification on the number of existing dryers. Mr. Stout said presently there is one washer and one dryer.

Mr. Scott asked for questions/comments from the Public. Tom Ricker, 9 Baptist Church Road had a question about lighting. Mr. Ricker understood that Pilot was asking for waivers because their proposal did not comply with the Township Lighting Ordinance. The waivers were requested because of safety concerns. Mr. Ricker understood the Ordinance addressed safety issues, including commercial operations along Route 78. He wanted to know the safety concerns and why applicant could not comply with the Ordinance. Mr. Stout said the safety concerns are based on night-time activities and security for employees. Mr. Ricker asked why applicant could not have more and lower poles. Mr. Stout explained. There would not be adequate lighting for the parking area. Mr. Bischoff questioned Mr. Stout about the concern about employees' safety. He felt there would be enough light under the canopies. Mr. Bischoff said the restaurant/convenience store has lights. Light spillage would emanate from the windows.

Mr. Stout mentioned truckers' safety and the need to have lighting from the parking lot. Mr. Bogart asked if the lot would be filled with trucks. Mr. Stout said "no". Mr. Bogart asked if trucks would have lighting to enter and exit their trucks. Mr. Stout said that was an operational question. He did not know if there would be lights in the trucks. Mr. Bogart asked if trucks always back in and if there would be adequate lighting. Mr. Stout said that was an operational question. He did believe that 99% of trucks back in and the proposed lighting should address Mr. Bogart's question. Mr. Roth had a question about safety as related to trucks backing in and drivers walking into the building. If Pilot hadn't calculated the lighting for safety, wouldn't that be an unsafe situation. Mr. Stout said an analysis had not been done. Applicant did calculate for safe passage in the walkway areas but not between the individual vehicles. Mr. Stout said Pilot could go back to the 50 feet and be sure that everything would be lit. Mr. Bischoff had a question about circulation at the site. Mr. Stout said the Traffic Engineer would be addressing that issue, for the most part.

He also said that the 18 spaces on the east side of the driveway would be rotated in another direction. Mr. Scott noted that Mr. Stout made comments about what would be done. Mr. Scott asked Atty. Gross if the Board should consider the Plan as submitted (Exhibit A-6), or should it be considered as amended. Mr. Gross said plans showing re-striping would be submitted. Mr. Scott asked Mr. Ricker if he had more questions. Mr. Ricker said he did not. He did feel, however, that applicant should be able to meet the requirements of the Lighting Ordinance. Frank Goldberg, Cooks Cross Road, said if there were less parking spots, the light poles could be moved closer to the area that Mr. Stout had concerns about. Mr. Stout explained why that would not work. Mr. Scott asked Mr. Stout about a note on the site plan referencing a parking area. Mr. Stout said it is circulation, not parking. Frank Goldberg continued. He asked why Pilot wouldn't want to hold themselves up to the highest standards possible, including environmental concerns. Mr. Goldberg said applicant keeps saying the proposal would be an improvement. Mr. Stout said Mr. Mulligan could testify that the proposal is basically a Pilot prototype. Mr. Goldberg asked if it was possible to bring the site up to the newest and highest standards. Mr. Stout replied in the affirmative.

John Malley, 210 Van Syckel Road, asked Atty. Gross not to refer to the existing building as the previous building. Mr. Gross said "So noted". Mr. Malley asked about the reference to a storage facility. Mr. Bogart said the facility is a home fuel business. Mr. Stout said that business would remain. Mr. Malley said he had not heard testimony on fuel storage. He wanted to know about the existing fuel storage tanks. Mr. Stout said there is existing underground storage. The diesel fuel storage is west to east of Charlestown Road. The gasoline underground fuel storage facilities are to the southeast corner in front of the proposed building. Mr. Malley asked if the facilities would be untouched by the proposal. Mr. Stout said they would be upgraded. Mr. Malley asked the tank capacities. Mr. Stout said he would have to get that information.

Lou Pirro, 21 Gravel Hill Road, asked about the existing fuel storage tanks, noting that the NJDEP says they are leaking. Ms. Pirro said the tanks sit on a rock aquifer and the aquifer can help travel carbons long distances, possibly as far as the Spruce Run Reservoir. She asked how Pilot would handle the leaking tanks and would disturbance of the site cause further contamination. Mr. Stout said testimony on that matter would be given by the Environmental Consultant. Mr. Lukasik asked about lighting in front of the building (Five lights 18 feet high, the Ordinance requirement is 14 feet). He said that since cars would be parking in that area, he did not see a purpose. Mr. Lukasik said he understood part of the reason for the 18 foot lights in the back, since trucks would be parking there. Mr. Stout said the proposal provides a more efficient lighting standard.

Aleta Lambert, 10 Grove Farm Road, had a question about zoning. Mr. Scott said that would be addressed by the appropriate witness. Michael Beck, 43 Finn Road, had a question regarding storm water on the northwest corner of the property.

His concerns pertained to the roughly 25% increase in truck parking, the circulation pattern which would require two laps instead of the existing one and the increase of the number of fueling bays from three to four. Mr. Beck asked the impact on storm water quality. Mr. Stout said Pilot would not be changing the quality of storm water. The design is based on impervious area. He deferred the matter of trucks utilizing the site to the Traffic Consultant. Mr. Beck, once more, asked about the quality of water coming off the property with the proposal before the Board. Mr. Stout said he did not have any studies to justify it would be worse or better. James Pellechia, Route 579, asked Mr. Stout if applicant would be required to adhere to NJDEP Standards regarding storm water runoff. Mr. Stout said the proposal meets the intent of the code. Applicant is willing to meet with Board Professionals and work out the details. Mr. Pellechia said he understood from testimony that Pilot had product information that had not been reviewed and now testified that the proposal would comply. Mr. Stout replied in the affirmative.

Michelle McBride, 10 Old Forge Lane, asked about front yard setbacks. Ms. McBride said many citizens bike, jog, walk and drive past the site. She also said it is the introduction to the Township. Ms. McBride thought it would be great if Pilot complied with setbacks, landscaping and buffers of the Zoning Ordinance. She asked if that would be a possibility. Mr. Stout said it would be possible; however, he deferred the question to Mr. Mulligan, since the design was Pilot's. Ms. McBride also asked Mr. Stout if Pilot would rethink the chain-link slatted vinyl fence concept. Mr. Stout felt sure that Pilot would work on that issue. A resident asked Mr. Stout if he had ever designed anything next to a reservoir. Mr. Stout said "no". The resident continued. Did Mr. Stout know what the runoff would be? Mr. Stout said "no". The design was based on existing conditions versus proposed. Dennis Disbrow, 30 Stone Bridge Road, asked if he understood the proposed exit for trucks would be 200 feet down from the existing entrance. Mr. Stout said "correct". Mr. Disbrow said that would mean when the trucks get off of Exit 12, the tractor trailers would make a right turn and a left into the parking lot. Mr. Stout said "correct". Mr. Disbrow said that Mr. Stout believes that would be less hazardous. Mr. Stout said the operational aspect would be deferred to the Traffic Engineer. Mr. Disbrow said the traffic would increase 360%.

A resident said Mr. Stout had mentioned that there would be an increase in showers. She asked about toilets and those kinds of things. Mr. Stout said the number of showers would be reduced from seven to six. Water usage would be addressed by the Environmental Consultant. The washers will increase. Six restrooms exist and two are proposed. Mr. Stout said the Architect would provide information on inner-workings and number of facilities. Beth Golden, Serpentine Drive, asked how trucks would enter and exit and get back to Route 78. Mr. Stout said the Traffic Engineer would provide that information. Dr. Souza directed a comment to Mr. Stout about Mr. Beck's concern about the increase of movement in the northwest corner of the site and its impact. Dr. Souza felt the issue needs to be examined by Mr. Stout, the Environmental Consultant and the Traffic Engineer. Atty. Gross said that Dr. Souza was testifying, not asking questions.

Mr. Gross felt that if Board Consultants were testifying they should be sworn and he should be given the opportunity to cross-examine. Dr. Souza said he would rephrase the comment as a question. Mr. Roth asked Mr. Stout if he would respond to Dr. Silldorff's report. Mr. Stout said "yes". Atty. Gross questioned the procedure regarding the Environmental Commission's role. Mr. Scott said the Commission provides a report and applicant would address their comments at the Hearing. Dr. Souza said the procedure was developed for the Township to avoid a duplication of efforts. Dr. Souza references the UTEC report with his report. Mr. Bischoff revisited the issue of the number of restrooms. He wanted to know the number of seats that exist and the number proposed. Mr. Stout said the Architect would have that answer.

Betsy Piner, 34 Grove Farm Road, asked Mr. Stout about the major structures shown on Pilot's Drawing. She said it did not show the Elementary School and several homes. Mr. Stout said for the record that there was an existing School about 1,340 feet, as the crow flies, to the property line. Ms. Piner next asked how someone traveling east would get to the Truck Stop. Mr. Stout explained, saying there would be no change in the movement. Ms. Piner said there would be more trucks and cars going through the Route 173 Intersection. She asked the distance from the intersection to the School. Mr. Stout said it would be about 300 feet. Ms. Piner emphasized the truck/car pattern would be greatly increased. Mr. Stout said the Traffic Engineer would address numbers. Frank Goldberg said the numbers and what is planned are based off estimates of the increase, nothing to do with what was engineered for the site. Mr. Stout said he had done the site work.

A resident raised a question about lighting. She asked if Pilot had statistics on safety issues in the parking area and if that was the reason they proposed so much light. Mr. Stout said Mr. Mulligan would testify to inner workings. Pilot has almost 280 Truck Stops. Mr. Scott asked for additional questions for Mr. Stout. There were none.

Mr. Scott announced the Board would take a five minutes break. He said the Hearing would resume at 9:40 p.m.

Atty. Gross called Architect Roy B. Parsons, III forward. He was sworn by Atty. Sutphen. Atty. Gross asked Mr. Parsons to state his credentials. Mr. Scott said Mr. Parsons would be accepted as an expert in the field of architecture. Mr. Parsons designed the proposed building. He provided a rendering of the front of the building. It was marked Exhibit A-10. Mr. Parsons described the building. He said it is 7,956 square feet. That is actual gross square footage, including all walls and anterior space. Mr. Parsons said the two basic elements of the building are restaurant and mercantile. The restaurant seating area, bathroom, backroom and prep room is 1,496 square feet and the mercantile area total is 6,461 square feet. Mr. Parsons said the existing building has a restaurant, mercantile area and a truck shop. The total area is 14,684 square feet. The restaurant, including seating area and support is 2,174 square feet. The truck shop is 9,466 square feet and the mercantile area with support facilities is 2,144 square feet. The truck shop will be eliminated.

Atty. Gross asked Mr. Parsons to describe A-10. Mr. Parsons said it is the typical Pilot Travel Centers design and consists of a two-tone color stucco finish. There are different elements, including corner treatments and changes in height that make the building more attractive. Standard signs with the Pilot logo would be over the front entrance. There will be a Subway sign on the front and one on the side. The height of the building ranges from 17 to 19 feet with a tower that is approximately 25 feet high. The proposed building is one-story. Mr. Parsons displayed floor plans of the proposed and existing buildings. The floor plan of the proposed building, Sheet 5 of the original submission, dated April 15, 2005, was marked Exhibit A-11. The floor plan of the existing building was marked Existing A-1. Mr. Parsons had a copy of a floor plan prepared by an outside consultant, since there was no existing drawing. Atty. Gross asked that it be marked A-12.

Atty. Gross asked Mr. Parsons to give an overview of the existing and proposed uses. Existing is Johnny's Restaurant which includes the dining and kitchen area and support facilities and the truck shop area which has service bays, parts and tire storage. There is also a small laundry room, restrooms and showers for men and women, game room facilities and some office space. Proposed is a convenience store, Subway and public laundry that has two washers and four dryers. The support facility will also have two washers and four dryers for operational use. Proposed are 7 toilets in the restrooms, 6 lavatories and 3 urinals. Restrooms are proposed within the shower facilities. Six showers are proposed, each would have a lavatory and toilet and one of the six will be handicapped accessible. Mr. Gross said he had no further questions.

Mr. Scott asked for questions from the Board. Mr. Lukasik asked Mr. Parsons if he had compared fixture units between the existing and new facilities. Mr. Parson answered in the affirmative. Mr. Lukasik wanted to know the total number of fixtures. Mr. Parsons said he did not have the design requirements available. He would, however, provide the information to a colleague who would present it later. Mr. Lukasik said that would be fine. Mr. Bischoff asked if the rendering was what would be seen on the site. Mr. Parsons said it would be. He said the rendering was specific to this site. Mr. Bischoff asked later modification was inferred to which Mr. Parsons replied "no". Atty. Gross said unless the Board requested it. Mr. Parsons said if there were compelling reasons to modify, it would be possible. Mr. Scott had a question about the square footage of the existing and proposed mercantile area. Mr. Parsons said the existing area has 2,144 square feet and 6,461 square feet is proposed. Mr. Scott wanted an explanation of the mercantile area. Mr. Parsons said that area is the retail floor area and associated support facilities. The support facilities include the backroom, stockroom, coolers, prep area, beverage coolers, manager's office and the secured stock area. Mr. Scott asked about the coolers. Mr. Parsons said there is a walk-in cooler/freezer for storage of products to be sold and displayed in the sales area and another cooler/freezer for the restaurant. Mr. Scott asked about the walk-in beverage cooler. Mr. Parsons indicated customers could get water, soda or other beverages from that cooler. Mr. Scott said the space allocated would be almost triple. Mr. Parsons agreed.

Mr. Scott assumed the size was based on demand and that would be a question for Mr. Mulligan. Mr. Parsons said he would let Mr. Mulligan address the issue of demand. Mr. Scott asked if the game room was included in the mercantile area. Mr. Parsons said it was not. He said the area that includes the game room and the public laundry is 224 square feet. Mr. Scott asked if the laundry area was part of the mercantile area. Mr. Parsons said the laundry area is counted in the 224 square feet. It is not counted in the retail but is part of the mercantile. Mr. Scott asked for a comparison between the existing and proposed retail. Mr. Parsons said the existing retail area has 717 square feet and proposed is 3,783. Mr. Bischoff wanted to know if the 3,782 square feet included support. The square footage including support is 6,461.

Mr. Scott asked for other questions from the Board or its Professionals. Mr. Hintz asked if Pilot had any similar size mercantile facilities in New Jersey. Mr. Parsons deferred that question to Mr. Mulligan. He did say, however, that Pilot has a similar building in Bordentown. There is a Wendy's at that site. Dr. Souza asked Mr. Parsons if the new toilets would have low-flush devices. Mr. Parsons said "yes". Dr. Souza asked if faucets, shower heads, etc. would have water restrictors. Mr. Parsons said everything is designed to current standards. Dr. Souza asked if a water usage analysis had been done to determine if Pilot would stay within the maximum allowable 3,200 + gallons per day. Mr. Parsons said he did not know and would defer the matter to Mr. Mulligan. Mr. Gross said the consent order states a number of 3,273 gallons per day, subject to increase should the Board be satisfied with respect to the aquifer test required by Ordinance. Dr. Souza had no further questions.

Mr. Scott said the Plan shows a bakery case. Mr. Parsons said that was a merchandise display case. Mr. Bischoff asked if it might be for Krispy Kremes? Mr. Parsons said that "or something similar". Mr. Scott asked the Public for questions for Mr. Parsons. Tom Ricker asked if the facility would be open 24 hours a day, would it be available to the public, and could anybody go there, buy merchandise or use the arcades. Mr. Parsons replied in the affirmative. Mr. Ricker asked if children could ride a bicycle to the site and use the arcade room? Mr. Parsons said he couldn't speak to who may use those rooms. Mr. Ricker asked if there were restrictions as to who could not use the facility. Mr. Parsons deferred the question to Mr. Mulligan. Mr. Ricker asked if Mr. Mulligan could answer the question or would everyone have to wait. Mr. Scott said they would wait until Mr. Mulligan was sworn. Mr. Ricker asked if the Subway operation was controlled by Pilot or was Subway a separate entity. Mr. Parsons said Pilot operates Subway. Any issues would be handled by Pilot. A resident from Norton Church Road asked when and if Pilot takes over would present employees be kept. Mr. Parsons said Mr. Mulligan could answer that.

Mr. Scott asked if there were other questions for Mr. Parsons about architectural details. Douglas Wieder, 6 Everett Road, noting that there is a convenience store at the Exxon Station and a BagelSmith across the street, asked Mr. Parsons if he had designed a store

before with the proposed square footage where they would be essentially a third convenience store at a four-corner intersection. Mr. Parsons said they have designed facilities where there travel centers on all four corners of an intersection and they are all viable and successful projects. Gary Piner, 34 Grove Farm Road, asked if Subway had its own restroom facilities. Mr. Parsons said it does not. Mr. Piner asked why with the projected traffic increase was the number of restrooms being reduced. Mr. Parsons said the existing facility has more than necessary. Pilot is exceeding what is commonly required. Mr. Scott asked Mr. Parsons if he was referring to a code base architects rely upon to calculate facility needs. Mr. Parsons referred to fixtures counts. He said Pilot would provide specific counts to comply with local requirements. Frank Goldberg asked if the proposed facility was designed based on traffic flow given from somebody within the company. Mr. Parsons said it was designed based on direction from people in their operations group. Mr. Goldberg if the proposal was based on anticipated traffic flow. Mr. Parsons said Pilot has three basic prototype size facilities and based upon internal projections of known and estimated sales activity at certain areas a judgment call is made as to the facility size. Mr. Goldberg asked what the projection was based on. Mr. Parsons deferred that question to Mr. Mulligan. Mr. Scott asked if the proposed prototype was the small, medium or large of the three Mr. Parsons said it was the medium.

Aleta Lambert, 10 Grove Farm Road, wanted to know why Pilot was increasing the number of parking spaces and decreasing the size of the restaurant from that which exists. Mr. Parsons said he couldn't speak to the design of the existing truck stop. He said he could speak to what was appropriate for Pilot. Betsy Piner, 34 Grove Farm Road, asked Mr. Parsons to show her the Subway restaurant. Mr. Parsons explained. Ms. Piner was interested to know the location of the restroom that children and others would use. Mr. Parsons said the arcade is well past the restrooms and has a separate entrance. Ms. Piner stressed that she could not go to Subway because her children would not be able to go to the restrooms by themselves. Ms. Piner said she had visited Pilot's other Truck Stop and noted the similarities between the two. Mr. Parsons said Pilot has 275 locations and each one is slightly different. He said they are nice, safe, comfortable facilities.

Robert Everett, 24 County Route 635, noted there is much interest in Township History. He asked if there had been an attempt to match the building to the Township. Mr. Parsons said he wasn't aware of specific design guidelines identified in the Township. He said that public entities can be recognized by signage or recognized by the way they are built and the proposed plan is an image distinct to Pilot. Mr. Scott said Mr. Everett was asking whether there had been an attempt to make the architectural design consistent with the agricultural, rural and historic environment. Mr. Parsons said that was not done. Mr. Everett said that did not answer his question. Mr. Roth asked Mr. Parsons if that had ever been done. Mr. Parsons said they had. Michelle McBride, 10 Old Forge Lane, revisited the restroom issue. She asked if truck drivers are charged to pay a fee. Mr. Parsons said there is a fee and it is controlled by Pilot's employees.

Ms. McBride said if a truck driver did not want to pay a fee he or she would use the restrooms that service the general public. Mr. Parsons said that was the point. They were designed for all of the public.

Mr. Everett asked Mr. Parsons if he had said that Pilot tried to reflect the ambience of the Township in which they were building. Mr. Parsons said they had when there were specific design guidelines they have complied. Mr. Everett asked Mr. Parsons if Pilot would change the rendering if they were given outlines. Mr. Parsons said they follow established guidelines. He said opinions are nothing more than someone's likes or dislikes. Mr. Everett asked where Pilot gets guidelines. Mr. Parsons said they are from established requirements for their facility. Mr. Everett asked if Pilot would come back with a different version if they were given guidelines. Mr. Scott thought Mr. Mulligan could answer that question. John Malley, Van Syckel's Road, asked for verification that the existing truck shop would be demolished. Mr. Parsons said the entire facility would be removed and replaced, with the exception of the truck repair shop. Some of Pilot's facilities have truck repair shops. Mr. Malley asked how truckers would know whether there was or was not a shop on the site and what would be done if a vehicle broke down. Mr. Parsons said he could not speak to what they would do. Mr. Malley asked if Pilot was a holding company for Subway. Mr. Scott did not feel it was appropriate for Mr. Parsons to comment on that matter. Mr. Parsons is an Architect.

Tom Ricker asked if waivers had been requested for the architecture of the building. Mr. Parsons said he did not believe there were. Mr. Ricker asked about lighting waivers. Mr. Scott said he thought signage might be an issue. Mr. Gross agreed. Mr. Scott said the issue would probably be deferred to the Planner. Variances would be required. Tom Nace, 41 Finn Road, asked if truck bays and grease pits would be removed. Mr. Parsons said "yes". Mr. Nace thought there would be saturated soil from the bays and pits. Mr. Scott thought that question would be appropriate for the Environmental Consultant. Frank Goldberg asked Mr. Parsons if he designed the Pilot Truck Stop in Bloomsbury. Mr. Parsons said he did not. Mr. Goldberg asked Mr. Parsons if he thought the numbers at the site were under estimated. Mr. Parsons said he could not speak to that since he was not involved. Betsy Piner said when she was at the Bloomsbury Truck Stop there was a TV Trucker lounge. She asked if that was proposed for this site. Mr. Parsons said there wasn't. Ms. Piner asked if truckers could watch TV in the arcade room. Mr. Parsons said it is not a common practice to provide televisions. Ms. Piner understood there would not be any sort of lounge while truckers waited for the shower. Mr. Parsons said that was correct. Ms. Piner continued. She said that while at the Bloomsbury Truck Stop she noticed a line of truck drivers waiting to use the showers. Ms. Piner wanted to know where truckers would wait in line. Mr. Parsons said he could not speak to that. Ms. Piner asked if there was a designated waiting spot. Mr. Parsons said "no". He said lounges and TV's encourage people to stay longer than necessary and is one reason Pilot does not provide those amenities. Ms. Piner asked why Pilot would have an arcade. Mr. Parsons said it's a revenue source. Ms. Piner asked where people would wait.

Mr. Parsons didn't know. He said there may have been only 2 or 3 showers in that facility, hence the wait. Ms. Piner said they could wait in the mercantile area. Mr. Parsons said there are lots of opportunities to shop. Chris Kastrud, 74 Cooks Cross Road, asked about the mechanical unit for heating and cooling. Mr. Parsons said they would be on the roof and would be hidden behind the parapet. Mr. Kastrud asked the amount of waste the site might generate. Mr. Parsons did not know. Mr. Kastrud also asked about food preparation and a grease trap. Mr. Parsons said food is not prepared on site. Everything is pre-packaged. A grease trap will be localized to the Subway. Mr. Kastrud asked if all water would go through the grease trap. Mr. Parsons said water is bypassed. Toilets would not go through the grease trap. One septic field is proposed. Mr. Kastrud asked Mr. Parsons to compare the size of the subject property to the Bloomsbury site. Mr. Parsons said he did not know the acreage of the Bloomsbury site. The proposed building is probably 50 to 60% larger, mostly in the retail area. Nancy Barton, 92 Country Acres, asked if there were going to be fewer toilets. Mr. Parsons said that was correct. The toilets in the showers were not counted, since they are dedicated to the user. Frank Goldberg asked if Pilot was using the existing footprint in any way. Mr. Parsons said they were not. Mr. Goldberg asked why the proposal wouldn't be considered a new project. Mr. Parsons said Pilot was using a majority of the existing site. Mr. Lukasik said he works with another franchise. Their buildings are compatible with the local surroundings. Mr. Lukasik asked Mr. Parsons to show what Pilot has done in other areas and would be willing to do in Union Township. Mr. Parsons said Pilot has not done anything that extreme. It is usually material treatments such as brick. Mr. Lukasik asked if the only time Pilot would make such changes would be if there was an Architectural Review Board. Mr. Parsons said or when Pilot makes a decision to do so. He deferred the question to Mr. Mulligan.

A resident asked the total square footage and the construction class. Mr. Parsons said the building will be 7,956 square feet and will be the least restrictive the code allows and built per those requirements. The building will be done as a non-separated use group and is allowed because of the overall area increase and because there are no other facilities around. A Charlestown Road resident asked if the toilets were purposely placed in the back so that everyone has to go through the mercantile area and spend money. Mr. Parsons said that was not so. The support facilities are in the back and public areas in the front. The resident asked why there was not a separate restroom in the restaurant. Mr. Parsons said the restaurant is not a separate operation and with the facility open 24 hours a day, all it would do would be to make the building larger. The resident voiced a concern about safety. A question was asked about whether employees use the public restrooms. Mr. Parsons said they do. Michelle McBride asked how the number of seats (45) in the restaurant was determined. She also asked about an overflow of people eating in the parking lot. Mr. Parsons said the number of seats was based on knowledge within the company. The food establishment was designed specific for the size of the facility.

Mr. Scott asked for any other questions for Mr. Parsons. There were none. Mr. Scott said the Hearing would continue on September 28, 2006.

Lookout Pointe: Block 11, Lot 8, Rupell Road and Bank Street: Atty. Carl Bisgaier, representing applicant, said his client has agreed to reconstruction of a Barn facility as well as certain improvements to the Farmstead. Mr. Bisgaier said applicant has met with the Historic Preservation Committee and there is agreement on the barn plans and the Farmstead, for the most part. He said the Barn will take 8 to 10 months to complete and the Farmstead 1 to 2 months. Atty. Bisgaier said Condition 16 of the original Resolution requires that the Barn and Farmstead improvements be completed prior to the issuance of the 31st building permit. Mr. Bisgaier said that would be a problem. He requested that applicant be allowed to obtain additional building permits with the understanding that prior to the issuance of the 31st CO, the Farmstead would be restored and the Barn would be reconstructed and replicated. Atty. Bisgaier said bonding for the improvements would be established by the applicant prior to the issuance of the 31st building permit.

Mr. Scott asked for questions/comments from Board members. Mr. Rosol said he did not object to the proposal, however, it was not sure of the procedure. He felt the Board was protected. Atty. Sutphen he does not feel the request to be such a substantial change to the Resolution that Public Notice would be required. Mr. Sutphen feels the request would be in the spirit of the Condition. He said Mr. Bogart would establish the amount of the bond.

A motion to grant the change from requiring applicant to complete the Barn and make improvements to the Farmstead prior to issuance of the 31st Building Permit to issuance of the 31st CO and establishment of bonding was made by Mr. Rosol and seconded by Mr. Roth.

Vote: Ayes: Mr. Rosol, Mr. Roth, Mr. Martin, Mr. Lukasik, Mr. Grossi, Mr. Scott
Naye: Mr. Bischoff

A motion to adjourn was made by Mr. Rosol and seconded by Mr. Bischoff. (10:55 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary