

June 28, 2007

Mr. Bischoff called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. The Sunshine Statement was read.

Members Present: Mr. Martin, Mr. Brandt, Mr. Kirkpatrick (7:10 p.m.) Mr. Taibi,
Mr. Scott, Mr. Bischoff

Members Absent: Mr. Mazza, Mrs. Nargi, Mr. Lukasik, Mr. Walchuk

Others Present: Atty. William Sutphen, Carl Hintz, Paul Ferriero, Rick Roseberry,
Atty. Jeffrey Lehrer, Peter Streletz, Atty. Michael Gross, Atty. Paul
Schneider, Atty. Douglas Janacek, Michael Jovishoff
Michele McBride, Aleta Lambert, Julie Campbell, Michael Carlie,
Arthur Nevins, Matthew Mulhall

Scherer: Block 15, Lots 10, 11, 22, 24 & 52: Baptist Church Road:
Memorialization of Resolution #2007-004: Mr. Scott made a motion to memorialize
the Resolution. Mr. Brandt seconded the motion.
Vote: Ayes: Mr. Scott, Mr. Brandt, Mr. Martin, Mr. Taibi
Abstain: Mr. Bischoff

Phillips Companies, Clinton Block LLC: Block 22, Lot 30.03, 7 Frontage Road:
Memorialization of Resolution: Mr. Scott made a motion to memorialize the
Resolution. Mr. Taibi seconded the motion.
Vote: Ayes: Mr. Scott, Mr. Taibi, Mr. Martin, Mr. Brandt, Mr. Bischoff

P.S. Construction Inc. Block 22, Lot 27, 22 Race Street: Issue of Completeness:
Atty. Jeffrey Lehrer gave a brief overview of the Preliminary Major Subdivision
application which would create seventeen lots. He said Paul Ferriero had written a letter
dated June 26, 2007 with comments on completeness. Mr. Ferriero said that applicant's
Engineer and Environmental Consultant submitted additional information that addressed
those comments. Mr. Ferriero, therefore, had no problem with the application being
deemed complete.

Mr. Scott made a motion to deem the application complete. Mr. Brandt seconded the
motion.
Vote: Ayes: Mr. Scott, Mr. Brandt, Mr. Martin, Mr. Taibi, Mr. Bischoff

The Public Hearing was scheduled for September 27, 2007.

Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West: Mr. Bischoff
announced he was recusing himself from the Public Hearing and would abstain from
voting on the Pilot matter. Mr. Bischoff had been a candidate for the Township
Committee. He said allegations were made in a communication to Union Township
residents prior to the Primary Election alluding to him being in favor of Pilot.

Because of the allegations, Mr. Bischoff felt it was in the best interest of the Board and the Committee for him to recuse himself. Mr. Bischoff left the Hearing. Mr. Kirkpatrick arrived. (7:10 p.m.). Mr. Scott asked whether Atty. Gross or Atty. Schneider would be representing Pilot tonight. Mr. Gross said it would be Mr. Schneider. Mr. Scott also asked Atty. Janacek which witness would be giving testimony for the Objectors. Mr. Janacek said it would be Mr. Jovishoff. Mr. Scott mentioned Pilot's Notice of Appeal and the scheduling of that matter. Atty. Schneider consented to an Extension of that appeal until July 26, 2007. The matter of testimony that had been presented versus additional testimony was discussed. Atty. Schneider said he believes additional testimony will be necessary.

Atty. Janacek asked Planner Michael Jovishoff to come forward. Mr. Jovishoff presented his credentials. They were accepted by the Board. Atty. Schneider had no objection. Mr. Jovishoff said he believes a D-1 Variance would be required. Pilot has requested a D-2 Variance. Mr. Jovishoff said Pilot contends the application is an expansion of the former Johnny's Truck Stop. Mr. Jovishoff does not agree. He believes the proposal would generate more traffic and the customers at the site will change. Mr. Jovishoff said the proposed Subway would be more of a destination while the current restaurant is ancillary. Mr. Jovishoff had prepared a report entitled "Evaluation of Proposed Development of Block 11, Lot 24.03 for a Pilot Travel Center", dated May 2007. He presented extensive information included in the "Evaluation" and concluded that the Board should deny the application. Atty. Schneider objected to Mr. Jovishoff's testimony about noise. Mr. Schneider said the testimony was beyond Mr. Jovishoff's area of expertise. A noise expert had presented testimony at an earlier Hearing. Mr. Scott said Mr. Jovishoff was relying upon testimony provided by another expert. Mr. Scott overruled Atty. Schneider's objection. Mr. Jovishoff emphasized Pilot's request for twelve bulk variances, including maximum impervious surface ratio and buffering. He said the proposed buffering is inadequate.

Regarding negative criteria, Mr. Jovishoff said Pilot's Planner cited the Mine Hill Case and contended that proposed site improvements meet the requirements of verbiage for granting variances. Mr. Jovishoff said verbiage does link aesthetics to general welfare of the community; however, that alone does not justify granting of a variance. He said the proposed modest aesthetic improvements are substantially irrelevant as a justification for granting the variances.

Mr. Jovishoff said, in his opinion, the development constitutes a D-1 Variance. He said there is also the extensive and consistent Master Plan recommendation to reduce the impact of Route 173. He recommended that the Zoning Board deny the application.

Atty. Janacek asked Mr. Jovishoff if there was any reason the proposal could not meet the Ordinance requirements. Mr. Jovishoff said "No". He said the proposed new development could meet the requirements.

Atty. Janacek also asked Mr. Jovishoff if the proposed signage was consistent with the Township's desire, as set forth in the MP, to reduce and minimize clutter. Mr. Jovishoff said it was not consistent. It was actually contrary to what the MP has stated over the last seventeen years. Mr. Janacek said he had no further questions.

Mr. Scott asked Atty. Schneider if he had questions of Mr. Jovishoff. Mr. Schneider asked Mr. Jovishoff if he would agree that the Board should take a realistic approach in evaluating the application. Mr. Jovishoff said "Yes". Atty. Schneider said the reality is that the Truck Stop has been there for many years and predates the Ordinance Amendment that made it non-conforming. Mr. Jovishoff concurred with Atty. Schneider that Pilot now owns the Truck Stop and can operate it as it exists, including the Restaurant. Atty. Schneider asked if the Board should consider that reality. Mr. Jovishoff said that is one factor, however, there are others. Atty. Schneider asked Mr. Jovishoff if he agreed with the concept in N.J. Law that some changes in use doesn't necessarily negate the idea that it is an expansion of the non-conforming use. Mr. Jovishoff said it depends on the extent of the changes. Atty. Schneider said the fact that there are some changes doesn't necessarily negate the idea.

Atty. Janacek objected to the questioning. Mr. Scott sustained the objection. Mr. Janacek objected to hypothetical questions being asked. Atty. Schneider asked if people from Union Township patronize the facility. Mr. Jovishoff said he did not know. Mr. Schneider asked if competition was good for the consumer. Mr. Jovishoff replied in the affirmative, in general; however, he didn't know the relevance of the question. Atty. Schneider said Mr. Jovishoff indicated that if there was one gas station that was enough. Mr. Jovishoff said his testimony was that the Municipality felt there were a sufficient number of gas stations. Regarding the proposed Subway, Mr. Jovishoff said he did not know whether Township residents would patronize the Subway. He had not done a commercial analysis.

Mr. Jovishoff had testified that Pilot operates facilities on major highways. He said Route 173 is an Arterial Roadway. The objective of both Johnny's and Pilot would be to get people in and out as quickly as possible. Atty. Schneider said Mr. Jovishoff's traffic analysis was based on Johnny's operation. Mr. Jovishoff said his analysis was based on Mr. Staigar's testimony. Atty. Schneider asked Mr. Jovishoff about overnight truck parking and meeting rest needs of over-the-road drivers. They are existing uses and can continue forever, without Board approval. Mr. Jovishoff said the consideration is the extent of the use. Showers and laundry facilities exist and are proposed. Mr. Jovishoff said there may be a change in the amount of utilization of those facilities. Gasoline fueling for cars exists and can continue. Mr. Jovishoff said if the Board grants approval the amount of utilization can increase. Atty. Schneider asked Mr. Jovishoff if that wouldn't be a classic increase in a non-conforming use. Mr. Jovishoff said there will be increases in some of the non-conforming uses; however, the nature of the uses and their impact will change. The sit-down restaurant will change to a fast food restaurant.

The amount of square footage that each of the proposed uses will change. Mr. Jovishoff contended that the uses may get larger and the nature of the uses moves the application from an expansion of a use to a new use. Atty. Schneider asked Mr. Jovishoff if he was aware that the predominant use of the facility, in the dollar volume of sales and number of vehicles in and out, was dispensing gasoline and diesel fuel. Mr. Jovishoff accepted that information. He believes the Subway could become a destination where the Restaurant was ancillary and that would constitute a change of use. Atty. Schneider said the primary use is the gas and diesel pumping business. Mr. Jovishoff said that use is being expanded. Mr. Schneider said it would be an expansion of that non-conforming use. Mr. Jovishoff said the proposed Travel Center is a combination of uses and he feels the Board has to consider the impacts of those uses. Atty. Schneider said the proposed building would be about 50% smaller. There would be a reduction in the number of showers. Mr. Schneider said sometimes a reduction can be an expansion of a non-conforming use. Truck parking would not be increased. Mr. Jovishoff said the nature of the components would be changing. Atty. Schneider said the retail sales use is being expanded. The truck repair facility will be eliminated. Mr. Jovishoff said the changes include the change in the nature of the restaurant and its location, the nature and layout of the site, the additional fuel pumps and canopies. Atty. Schneider said the only real change in the nature of the restaurant was that it would be going from sit-down to fast food.

Atty. Schneider said Mr. Fears had testified that the Bloomsbury Site was overwhelmed. Mr. Jovishoff said the Site does not meet the demand. Atty. Schneider said that points out the fact that there is a need for the proposed facility. Mr. Jovishoff said the need is being met. It may not be met in accordance with Pilot's expectations. Atty. Schneider asked Mr. Jovishoff if he thought the Stormwater Management System proposed by Pilot would be more beneficial than the existing system. Mr. Jovishoff said he was not an environmental expert. The testimony of Mr. Goodfriend, Noise Expert, was discussed. In response to a question from Atty. Schneider, Mr. Jovishoff said he had not seen any analyses of traffic flows at the site since it had become a Pilot Travel Center. Atty. Schneider said he had no further questions.

Mr. Scott asked for questions from the Board. Mr. Kirkpatrick asked Mr. Jovishoff if he had testified that there was a convenience store on the site. Mr. Jovishoff replied in the affirmative. He said it was put in within the last few months. Mr. Scott asked Mr. Jovishoff if he would agree with him that a property owner did not have a right to expand a non-conforming use. Mr. Jovishoff said "not without a variance". Mr. Scott asked Mr. Jovishoff if he would agree with him that from a planning point of view that the mere existence of a non-conforming use does not constitute a special reason to grant an expansion of a non-conforming use. Mr. Jovishoff said "absolutely". Mr. Scott asked Mr. Jovishoff if he agreed with Case Law (Kohl vs. Fairlawn) about a quantitative analysis comparing restaurant to restaurant, parking to parking, building to building, was rejected by the Supreme Court and applicant was told to focus on qualitative analysis with regard to quality, character and intensity of the uses. Mr. Jovishoff agreed.

Mr. Scott asked Mr. Jovishoff if his opinion was based upon the qualitative aspects, not necessarily the physical changes, but the intensification that would result from any of those changes. Mr. Jovishoff said his opinions were based upon the changes and the negative impacts of the change or modifications of the use. Mr. Scott understood that the changes constitute a substantial change. Mr. Jovishoff said that was correct. Mr. Scott asked Mr. Jovishoff if he agreed that the retail use that existed previously was incidental to the truck stop and was a sideline. Mr. Jovishoff said the retail use was insignificant. Mr. Scott asked if the proposed change which would substantially increase the retail use, with the existence of a Subway, was such that it would generate multiple primary uses. Mr. Jovishoff emphasized that he had testified that a Subway could become a destination use, rather than an accessory to the fueling uses and other uses on the site. Mr. Scott said Atty. Schneider asked questions about revenue generated from different uses. Mr. Jovishoff said the issue of revenue was not relevant; the issue of the physical impacts of any of the use is what is relevant to the Board. Mr. Scott asked if it mattered whether the noise or pollution increased as a result of more cars and/or trucks as opposed to stopping for a sandwich at a Subway. Mr. Jovishoff said "no". The impact would be the same.

Mr. Scott referenced Mr. Staigar's Traffic Report. He said if Mr. Staigar's projections were correct, the traffic today should be commensurate with those projections. Mr. Jovishoff said that would be correct; however, what is there today is not the same as what is being proposed. Mr. Jovishoff said that adjacent properties would be less attractive to potential developers in the Professional Office (PO) District if the Truck Stop use was intensified. Mr. Scott asked if PO uses, i.e., doctors, lawyers, accountants, veterinarians would have a direct benefit to the community. Mr. Jovishoff said they certainly would.

Mr. Scott asked Mr. Jovishoff to describe the difference between permitted and conditional uses. Mr. Jovishoff said a permitted use is one which is permitted. It may have certain restrictions. A conditional use has some very specific restrictions associated with that use. Mr. Jovishoff said the former Johnny's was a conditional use. Mr. Scott asked if an expansion of a conditional use would be considered differently by a Board than expansion of a permitted use. Mr. Jovishoff said it would have to be. An expansion of a conditional use revolves around establishing if the site could accommodate the expansion. Mr. Scott asked Mr. Jovishoff agreed with him that aesthetic benefits alone do not justify substantial expansion of a pre-existing non-conforming use. Mr. Jovishoff said "Yes". Mr. Scott asked if a proposed expansion of a non-conforming use increases traffic or noise should the Board give that consideration. Mr. Jovishoff said the Board would have to consider the negative impacts, as well as any benefits that outweigh any detriments.

Mr. Brandt asked Mr. Jovishoff to explain how the proposed use would be more negative since the truck repair facility would be eliminated and a Subway would replace the site-down restaurant.

He said the Subway would allow a greater turnover and that would generate more traffic and that would have a more negative impact. Mr. Brandt said he did not see that as negative. Mr. Brandt understood, however, that the turnover of patrons of the Subway would be greater than that with the Restaurant. Mr. Kirkpatrick asked if compliance with the Ordinance Bulk Requirements would help reduce the negative impact. Mr. Jovishoff said it would help to reduce the impact; however, there would still be the matter of a use that is not permitted in the District. Mr. Kirkpatrick asked if maintenance of the existing uses would help reduce the negative impact. Mr. Jovishoff said compared to the proposed development, it would have less negative impact.

Atty. Janacek asked Mr. Jovishoff a hypothetical question. Mr. Janacek asked if he proposed to raze an existing diner and replace it with a Subway, would that be an expansion of a non-conforming use or a new use. Mr. Jovishoff said it would be a brand new use. Atty. Janacek asked if he had a small retail area, a principal use, would razing that and replacing it with a full service 7-Eleven or Quik-Check be an expansion of the use or a new use. Mr. Jovishoff said, in his opinion, it would be a new use. Mr. Janacek asked another hypothetical question. Would a counter and a rack with potato or corn chips being replaced by a convenience store constitute an expansion of a use or a new use? Mr. Jovishoff said it would be a new use and would generate more traffic. Atty. Janacek asked if the replacement of a pre-existing non-conforming truckers lounge into a convenience store which is a prohibited use would require a use variance. Mr. Jovishoff said "Absolutely". Mr. Janacek also asked Mr. Jovishoff if the conversion of a pre-existing non-conforming lounge into a convenience store would be illegal. Mr. Jovishoff said "Yes". Mr. Janacek said he had no further questions.

Mr. Scott said a break would be taken at this time. (8:50 to 9:00 p.m.)

Michele McBride, 10 Olde Forge Lane, was sworn by Atty. Sutphen. Ms. McBride said she has resided in the Township for 12 years. She would be speaking solely as a Township resident. Ms. McBride said she was not testifying as an expert in traffic engineering, a planner or an expert in land use law. Ms. McBride said she has attended all Hearings in the Pilot matter and reviewed documents submitted by Pilot. She believes that the Board of Adjustment should deny Pilot's requests for variances. Ms. McBride said there is more than sufficient justification for denial. Ms. McBride had ten pages of testimony on a variety of topics related to the Pilot application. Mr. Scott told Ms. McBride the Board would ask any questions after her testimony. Ms. McBride referenced Mr. McDonough's (Pilot's Planner) report. She presented a copy of the definition of a travel center, as submitted by Mr. McDonough and a copy of the definition of a truck stop, as defined by Harvey Moskowitz. The submission was marked O-5.

Ms. McBride referenced Exhibit A-30, Total Trip Generation, Existing and Proposed.

She noted that Pilot had taken over ownership of Johnny's Truck Stop on February 29, 2007. Ms. McBride said residents began to notice an increase in traffic almost immediately. During March, April and May Ms. McBride counted truck traffic entering and exiting the Pilot driveway on seven different dates for a total of nine hours. She had prepared a Chart that showed thirteen different hourly periods that were counted. The counts were taken between March 20, 2007, 9:00 – 10:00 a.m., and May 18, 2007 from 1:00 – 2:00 p.m. Ms. McBride said it is obvious that Pilot's forecast for peak truck trip generation after proposed improvements is already being met and often exceeded by a substantial margin. She said that begged the question as to what Exit 12 would look like after Pilot's so-called reconstruction improvements were made. Ms. McBride also expressed concerns about Pilot's fuel projection forecast. Ms. McBride said she has monitored the Mahwah Board of Adjustment Pilot Travel Center Hearings to aid in her understanding of the application before Union Township BOA. She said information presented at the April 5, 2006 Mahwah BOA meeting indicated that the amount of gas sold at the Bloomsbury site exceeded that which is projected for the Union Township site after improvements. Ms. McBride said there are three Pilot sites in N.J in addition to the Union Township site. She checked with the NJDEP and found that the Bordentown site is a known contaminated site, as is the Pilot in Kearney's Point. Ms. McBride said Pilot stated they would accelerate groundwater cleanup in Union. She is concerned about the accuracy of Pilot's claim to cleanup since they have owned the Bordentown and Kearney's Point sites for many years and they are still listed as active contaminated sites.

Ms. McBride stated her interest in the application began because of the proximity to the School which both of her children have attended and one still does. The School playground is about 1,000 feet from the Pilot site. Her children have severe asthma and her family has been impacted over the years. Ms. McBride cited a N.Y. Times article which links truck exhaust to children's asthma. She read from the NJDEP Website article "In Pursuit of Clean Air". The article stated health risks are higher for populations living near roadways and in urban areas, due to diesel exhaust emissions. She said Pilot had attempted to downplay concerns because of EPA requirements for a new low-sulfur diesel fuel. Ms. McBride said the EPA's National Clean Diesel Campaign states that millions of existing diesel engines will continue to emit large amounts of nitrogen-oxide particulate matter that contribute to serious health problems. Ms. McBride referenced Pilot's proposed revised Stormwater Management Plan. At that time, Ms. McBride had questioned Pilot's expert about a Pilot site in Virginia that had been placed under a Consent Order in 2006 due to petroleum-related discharges into a nearby stream. She remains concerned about routine maintenance of the proposed equipment and training of personnel to perform the maintenance. Ms. McBride said she is aware that Johnny's had been cited by the NJDEP for lack of maintenance on the existing equipment. She fears a similar situation could occur at the Union Township site that exists in Virginia and the Mulhockaway Creek could become contaminated. Ms. McBride asked if a Hazardous Spill Containment Plan had been received by the Board. She believed the answer was no.

Ms. McBride felt that with projections of an increase in traffic at the site, the risk of a collision would become greater and there was the likelihood of a hazardous spill. She wanted to know Pilot's plans for spill containment. Ms. McBride mentioned the article about the NJDOT's design for a potential park-n-ride lot in the Interstate 78 area. She said NJDOT has concerns about mixing car and truck traffic. Ms. McBride mentioned an article about a hazardous spill at a Pilot site in Indiana. She believes the Board should weigh the possibility of a similar occurrence happening at the Union Township site. Increased risks of collisions or spills should be considered. Ms. McBride stated that she witnessed several troubling traffic episodes when doing the traffic count. Ms. McBride made the following final comment. She said on March 28, 2007, at about 9:00 a.m., she followed an oversized, wide load tractor trailer over the Exit 12 Hwy. Bridge toward Pilot. She said the tractor trailer entered the site by way of the Exit only driveway. Ms. McBride entered the site and called the maneuver to the attention of two Pilot employees. They shrugged. As she left the building, she repeated her remark to another employee who replied "Yea, it's a problem, it's their problem". The employee said with rigs that big, truckers basically enter the property in whatever way works best. Ms. McBride said the employee was only partially right. It was the truck driver's problem, but it is also the resident's problem. She said it should also be Pilot's problem.

In summary, Ms. McBride said she tried to present new information which highlights some concerns and unanswered questions in the application. She said Union Township has lived with Johnny's Truck Stop since the early 1960's. She understands the Truck Stop has a right to exist there, as long as it meets Township Ordinances, County, State and Federal Laws. Ms. McBride said Pilot has the right to operate the site as a Truck Stop. She said Union Township residents also have rights, including the right to limit any change to the parking lot, restaurant or other components which will further intensify the use of the site. If Pilot is allowed to develop a Travel Center, if additional parking space is allowed and more commuters are enticed to mix with the big rigs the risk of hazardous spills, motor vehicle accidents, ground and surface water contamination will be increased. Air quality will be decreased. Ms. McBride said the bottom line is that no fast-food or convenience store and not one more parking spot should be allowed. She asked the Board to "just say no".

Atty. Schneider asked Ms. McBride to explain where she had taken the traffic counts. Ms. McBride said they were taken along Route 173. She determined from whence the trucks came, from eastbound, over the bridge or from Exit 13. Mr. Schneider asked Ms. McBride if she had been involved in any investigating or reporting regarding any of the newspaper reports or website information. Ms. McBride said she did not author any of that information nor had she been involved in any way. She also told Atty. Schneider that she was not claiming any expertise as pertaining to Pilot's proposed Circulation Plan.

Atty. Schneider said he had no additional questions for Ms. McBride. He also said he brought the Spill Containment Plan that had been requested.

Mr. Brandt asked Ms. McBride if at any time when she was taking traffic counts, had there been any accidents. She said "No, Sir, no accidents were observed during that time".

Michael Carlie, a Union Township resident, asked Ms. McBride to elaborate on the Consent Order that she mentioned as part of her testimony. Ms. McBride said the November 3, 2006 article from the Fredericksburg Virginia Freelance Star states that Pilot Travel Center has agreed to address pollution problems at their Truck Stop off of Interstate 95. Pilot had been cited for numerous petroleum-related discharges into a tributary. Atty. Sutphen said he did not know the purpose of that particular Consent Order.

Aleta Lambert, 10 Grove Farm Road, had a question about the two contaminated Pilot sites. She wanted to know if the contamination was caused by Pilot's operation or did they buy sites that were already contaminated. Ms. McBride said she did not know. Ms. McBride said she should have said that Pilot had owned the site for quite some time.

Ms. McBride was asked if she had heard any proposals as to what Pilot plans to do about the present contamination. She said not in any detail.

Mr. Scott asked if any other members of the Public wanted to offer testimony. Julie Campbell, 11 County Road 635, was sworn by Atty. Sutphen. Ms. Campbell said she has lived in the Township for 15 years and is one-half mile from the Truck Stop. Ms. Campbell is concerned about the impact on the community. She said late afternoon and evening is the worst time for traffic. Ms. Campbell also voiced her concern about the truck traffic on Charlestown Road. She had taken photographs of conditions she observed. They were marked O-6. Ms. Campbell said the obvious impacts of the increased truck traffic have been argued. She asked if any thought had been given to the hidden costs of trucks bombarding the community. Who would pay to replace broken curbs, potholes and edges of pavement torn up and what about trash thrown out along Route 173? Does Pilot have a plan to repay the cost of additional truck traffic and the damage they cause to the community or will the community become an area that looks littered and unkempt? Ms. Campbell said Pilot has applied to the NJDOT to modify their entrances and retime the signal lights at Charlestown Road in an attempt to mitigate traffic tie ups. She does not feel that is adequate. Ms. Campbell said the variances requested will draw additional traffic to the site. She said "Please vote a resounding no to the Pilot variance request". She said the variance should be denied because the community is already struggling with the traffic Pilot has brought here.

Mr. Scott asked for other questions from the Public. Arthur Nevins, 41 Charlestown Road, was sworn by Atty. Sutphen. Mr. Nevins said he has seen numerous trucks turning around on Charlestown Road, including the Norton Church Parking Lot. Mr. Nevins lives near the Church. He also said trucks take Charlestown Road into Hampton on their way to Route 31. Mr. Nevins is concerned about the potential for fatal accidents. Mr. Scott asked Atty. Schneider if he had any questions for Mr. Nevins. He replied in the negative. Mr. Scott asked for questions from the Board. Mr. Kirkpatrick asked Mr. Nevins if he personally observed the above mentioned concerns and if everything he mentioned happened after Pilot took control of the site. Mr. Nevins said he had.

Matthew Mulhall, 56 Country Acres Drive, was sworn by Atty. Sutphen. Mr. Mulhall reminded those present of some of the history of the Township. He said the Township had partaken in the Spruce Run Initiative to look at development and see what was necessary to protect the environment. Mr. Mulhall said the Township is a unique location, with unique conditions, with respect to streams and ultimately to a major water resource in the State of New Jersey. Mr. Mulhall said the Master Plan was reevaluated, based upon the Spruce Run Initiative. He had been a member of that Committee and the Planning Board that developed a new MP and upon which the current Land Use Ordinances are based. Mr. Mulhall said a great deal of time and scientific effort was expended to insure that the Ordinances were the right ones. Mr. Mulhall said Pilot is asking for variances from those Land Use Ordinances. He asked the Board to deny the variances for the same reasons that the Township developed the plans in order to protect the environment of the Township. Mr. Mulhall reemphasized the time and effort expended by the Township.

Mr. Mulhall acknowledged that the Truck Stop can exist there as it is laid out. Pilot is not asking for a Truck Stop. Pilot is asking for significant increases in business. The variances would allow a significant increase in the usage at the site and diminish the hard work of members to develop the new MP and amend the Land Use Ordinance.

Mr. Scott noted the time (9:50 p.m.). He said the next step would be to have testimony from Township Professionals and that would be carried to the July 26, 2007 Hearing. Atty. Schneider said that date was fine. He anticipated his client would ask for a vote at that meeting. Mr. Scott said the Notice of Appeal would be heard on July 26, 2007 as well.

Approval of Minutes: Mr. Martin made a motion to approve the minutes of the May 24, 2007 meeting. Mr. Brandt seconded the motion.

Vote: All Ayes

Motion to Adjourn: Mr. Kirkpatrick made a motion to adjourn. Mr. Brandt seconded the motion. (9:55 p.m.)

Vote: All Ayes

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