

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, March 21, 2019
TOWNSHIP OF MANALAPAN – Courtroom
Manalapan, NJ 07726**

The meeting was called to order with the reading of the Open Public Meetings by Chairman Stephen Leviton at 7:30 PM followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Larry Cooper, Eric Nelson, Eliot Lilien, Adam Weiss, David Schertz, Robert Gregowicz, Stephen Leviton

Absent from the meeting: Mary Anne Byan

Also present: John Miller, Esq., Zoning Board Attorney
Janice Moench, Recording Secretary
Brian Boccanfuso, Board Engineer
Jennifer Beahm, Board Planner
Nancy DeFalco, Zoning Board Officer

MINUTES:

A Motion was made by Mr. Schertz, Seconded by Mr. Cooper to approve the Minutes of **February 7, 2019** as written.

Yes: Kamen, Rosenthal, Cooper, Nelson, Weiss, Lilien, Schertz, Gregowicz, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: None

A Motion was made by Mr. Cooper Seconded by Mr. Schertz to approve the Minutes of **February 21, 2019** as written.

Yes: Kamen, Rosenthal, Cooper, Nelson, Lilien, Schertz, Gregowicz, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Weiss

RESOLUTIONS:

A Motion was made by Mr. Lilien, Seconded by Ms. Kamen to approve the Resolution of memorialization of approval for Application **ZBE1906 ~Laurin and Jonathan LaLima**

Yes: Kamen, Rosenthal, Lilien, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Cooper, Nelson, Weiss, Schertz, Gregowicz

Chair Leviton congratulated Mr. Lilien on the birth of this twin children and Mr. Nelson who will be running for Township Committee in the fall.

Chair Leviton reminded the Board of the change in procedure. The Board members were asked to hold questions in abeyance until the affirmative case has been presented and after the input and/or questions of the Board Professionals. Ms. Moench provided note pads for each Board Member to write down notes/questions during the proceeding.

Mr. Weiss asked Mr. Miller if the Board member note pads would be part of the public record. Mr. Mille explained any notes taken by a member of a public body are not discoverable under Open Public Record.

PUBLIC HEARINGS:

Application No: ZBE1839

Applicant: The Golden Years Care, LLC
Proposal: Walk-in Cooler and Covered Walkway
Request: Minor Site Plan
Location: 108 Woodward Road
Block/Lot: 78/28.06
Zone: C3

Peter Licata, Esq. of Sonnenblick, Parker and Selvers, was present on behalf of the applicant, The Golden Years Care, LLC. The applicant was present to request Board approval on an expanded use variance and site plan. This will permit the applicant to have an outdoor cooler remain on the property and install a covered walkway between buildings to shelter the clientele.

Mr. Bhaskar Halari, Professional Engineer of Concept Engineering, Manalapan New Jersey was sworn in by Mr. Miller. Mr. Halari's credentials were accepted by the Board. Mr. Halari marked the following exhibits:

- A1- Site Plan dated 1.21.2019 prepared by Concept Engineering (previously submitted with the application package)
- A2- Architectural drawing dated 1.23.19 prepared by Kellenyl Johnson Wagner (previously submitted with the application package)

Mr. Halari distributed an aerial photograph of the site to the Board members. This was previously submitted with the application package. Mr. Halari explained the site in more detail. The site is about 10 acres located on Woodward Road. North of the site is an existing CVS. South of the site there is a single family subdivision in the SED20 Zone. East and west of the site is vacant land. Prior to The Golden Years occupying the site for an adult daycare, it was Chesterbrook Academy Preschool. In 2017, the applicant was granted a variance for the expansion of the use in order to occupy the second building on the premises. Subsequently to applying for the variance approval the applicant applied to ("DCA") Department of Community Affairs to obtain licensing for the expansion. As a part of the licensing application, DCA required the applicant to provide a safe covered walkway between the two buildings. This is the reason for the proposed covered walkway. Exhibit A-2 shows the elevations of front and back of the walkway. The walkway is approximately 6.5' wide.

The applicant is seeking variance approval for a second item, a 13.5' x 11' freezer box. The freezer inside the building was at full capacity. The applicant needed additional space to store products. Inside the building is being occupied with the activities, the only logical space for the freezer box is outside. This also allows easy access for loading and unloading as well off hours deliveries to be made. The applicant provides an access code to the delivery company to access the freezer. The height of the freezer is 10' which is permitted in the zone for an accessory structure. There is also a 5' x 5' freezer on the north side of the building that will be removed.

When the property was used by Chesterbrook Academy there was an access road between the two buildings. The applicant is proposing to remove the access road for the proposed covered walkway. The Manalapan Township Fire Bureau reviewed the site and given the low intensity of the use, the access will no longer be required.

Mr. Licata opened the witness to the Board for questions. Mr. Boccanfuso asked if the freezer was visible from the residential homes to the south. Mr. Halari explained the freezer is hidden by the jog out of the building itself and existing vegetation. Mr. Boccanfuso asked about the building and impervious coverage with regards to the proposed covered walkway. Mr. Halari confirmed he has not reviewed the building coverage however; he can balance same by removing existing sidewalks behind the building. There is also a greenhouse and shed to be removed as well. Mr. Boccanfuso and Mr. Halari discussed the building coverage further and it is determined the applicant appears to be compliant.

It was determined for the last approval for this site there was a condition requiring sidewalks on site to be brought up to code and made ("ADA") American with Disabilities Act compliant. Mr. Boccanfuso asked the if this was addressed with a Construction Code Official. Mr. Halari explained as a part of the building permit application, ADA approval will be included.

Mr. Licata called Mr. Eric Wagner, Architect to give testimony. Mr. Wagner was sworn in by Mr. Miller. This is Mr. Wagner's first time appearing before the Manalapan Township Zoning Board. Mr. Wagner is the principal partner of Klennenyi Johnson Wagner Architects in Red Bank New Jersey. Mr. Wagner holds a Masters' Degree in Architecture. Licensed in the New Jersey, New York and Florida. The Board accepted Mr. Wagner's credentials.

Mr. Wagner explained prior to coming before the Zoning Board the applicant was required to get approvals from the New Jersey Department of Health. Before the DCA would allow clients to cross from one building to the other, it was mandatory to install the proposed enclosed walkway. The motivation for the installation of the covered walkway was to count the two buildings as one facility. It was required by New Jersey Department of Health that clientele not have to go outside the buildings in order to move from building to another. The requirement called for an enclosed hallway fully conditioned with heating and cooling. The interior dimensions are 6.5' wide to allow three people wide to pass with ease. One building is lower in elevation than the other. There will be a slight slope in the corridor floors to make up the grade difference in the two buildings. People in wheelchairs will be able to push themselves with ease.

Mr. Licata opened the witness to questioning from the Board and Professionals. Mr. Lilien asked if a footing would be required to connect both buildings. Mr. Boccanfuso explained his expertise does not fall in the construction codes however the footings are not within the jurisdiction of the Zoning Board. The applicant would need to comply with the Construction Codes.

Mr. Weiss asked for clarification on the numerous doors that appear on the elevation. Mr. Wagner explained there is a door at either end of the hallway. There is a widened area in the middle just to break up the long and narrowness. The clientele would be able to take a break between buildings if they wish.

Mr. Licata called Allison Coffin, Planner to give testimony. Ms. Coffin was sworn in by Mr. Miller and her credentials were accepted by the Board. Ms. Coffin explained she reviewed the application and revisited the site and spoke to the applicant in preparation for her testimony. The subject site is 10 acres previously developed with a private school and the applicant was before the Board previously seeking a D1 variance to convert one of the school buildings to an adult daycare and later for a D2 variance to expand the daycare center into the second building, that is not yet fully occupied. The applicant is requesting to

legitimize a freezer in the rear of the building that did not received use variance approval. The appliance is attached to the back of the building and functions to allow deliveries to be made to the facility without having to enter the building when it is occupied by the clients. It is accessible from outside the structure which allows for deliveries to be made off hours. The other part of the application is to install a covered walkway connecting the two buildings for the comfort of the clients when moving between the buildings. The covered walkway is also required by the DCA to allow for occupancy of the second building. The property is in the RR Zone and it is not a permitted use. The freezer and covered walkway require a D2 variance to expand the use. Special reasons exist for the granting of the variance. Granting the variance would not impair the intent and purpose of the Master Plan, nor would it result in a substantial detriment to the health, safety and general welfare of the public. The use is growing slightly but has not changed. The application is to expand a previously approved inherently beneficial use. The applicant proposes no increase in the number of clients or employees. The intensity of the use remains the same as all the prior approvals. The traffic impact remains unchanged. The floor area and the footprint of the use is being expanded. The approval of the variance would not impair the intent and purpose of the Master Plan and Zoning Ordinance.

Mr. Licata opened questioning for Ms. Coffin. Ms. Beahm agreed with Ms. Coffin's testimony and takes no exception to the testimony provided. The improvements are de minimis.

Ms. Kamen asked if the walk in freezer will have a phone inside if someone should become trapped. Mr. Halari explained if you were inside the cooler there is handle to open the door and no lock. Ms. Kamen expressed concern for the clients of an adult daycare being more frail and unable to open the door. Mr. Halari explained you would need an access code to open the door.

Mr. Weiss refers to Mr. Halari's aerial photo provided to the Board. In the photo there are two vehicles parked on the grass. From Mr. Weiss' personal observation, there has been a van with a banner on it parked on the property. The van is seen in the photo. Mr. Weiss explained the van was not appealing. Mr. Halari explained he would confirm with the applicant that the van will not be permitted and he has no objection to adding this as a condition to the resolution.

Mr. Miller commented on Ms. Coffin's testimony. The variance required would be a D1 not a D2. Mr. Miller, Ms. Beahm, Ms. Coffin and Mr. Licata all discussed expanding the non-conforming use. It was determined the variance being sought is a D1.

Mr. Cooper asked if there was going to be any signage put in place for the deliveries. Mr. Halari explained the applicant would be willing to put a loading zone sign.

Mr. Weiss asked if there is signage on the property to indicate name, street and address. Mr. Halari explained the sign has the name Golden Years. The address can be added.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were none, Chair Leviton closed public.

Mr. Miller explained the following conditions:

- The sidewalks would be conforming to the ADA requirements
- The vans on the premises would be removed from the property
- The appropriate signage to be on the property

A Motion of Approval for Application ZBE1839 was made by Mr. Lilien and Seconded by Mr. Weiss

Yes: Kamen, Rosenthal, Cooper, Nelson, Weiss, Lilien, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Schertz, Gregowicz

The Board took a two-minute recess in between applications.

Application No: ZBE1808 *(carried from 5/3/18)*

Applicant: David's Landscaping & Design
Proposal: To allow landscape & design business
Request: **Use Variance*****
Location: 146 Daum Road
Block/Lot: 70/25.06
Zone: RAG4

Robert Munoz, Esq. of Davidson, Eastman and Munoz was present on behalf of the applicant. Mr. Munoz explained, his client Mr. Van Wart operated his landscaping business in the township for many years. Mr. Van Wart received permits to build a pole barn approximately 10 years ago. Construction was not completed at that time. The applicant recently applied for a certificate of occupancy approval on the pole barn to include office space. At that time it was determined that Mr. Van Wart should have applied to the Zoning Board. Mr. Munoz stated on behalf of his client by making this application, he is not waiving any rights with respect to an estoppel.

Mr. Munoz called Mr. Van Wart for testimony. Mr. Miller swore in applicant, David Van Wart. Mr. Van Wart resides at 146 Daum Road since 2008. The applicant's business is David's Lawn and Landscape Design also located at 146 Daum Road. The business is a landscaping and nursery business that has been in operation for 27 years. The business moved to the 146 Daum Road location in 1992 from a Woodward Road. Mr. Van Wart explained his business is lawn and garden maintenance, hardscaping, and landscaping renovation. There are both commercial and residential accounts. Some of the accounts include Walgreens, homes in Knob Hill, Meadow Creek, Battleground, and Four Seasons. The applicant has a nursery on site and grows nursery products as well. Nursery products are grown in a second location located in Portland Oregon. The applicant testified that since he began the business in 1992 there has been no change to the business.

Mr. Munoz asked the applicant to explain what happened when the property was purchased and how the permits came into existence for the pole barn. Mr. Van Wart explained when he was moving from Woodward Road he spoke with the Zoning Officer Mark Micali to seek approval for the landscaping business to be permitted at his residence located at 146 Daum Road. Mr. Micali asked Mr. Van Wart to provide a letter stating what the use would be on the property and what his intentions were. The letter dated January 30, 2008 and permits from Mr. Van Wart to Mr. Micali was marked as Exhibit A1.

Ms. DeFalco explained prior to her returning for employment as Zoning Officer to Manalapan Township, Zoning was separate from Construction. At that time the zoning application, survey and plans were submitted to the Zoning Department and if Mr. Micali were to approve the permit, the applicant would take the application to the construction department for permits. In 2010 Ms. DeFalco discovered the building permit and plans showed finishing the area for office space. The approved permits were for storage and a pole barn but an office would not be permitted. Mr. Van Wart was advised if he wanted to proceed with the office space he would be required to make application to the Zoning Board of Adjustment. The business has grown since 2008.

Mr. Van Wart explained he moved his office inside his home therefore, he was not aware he was in violation. Mr. Van Wart explained in 2008 he obtained the

permits but did not complete the pole barn construction. It took a few years to finish. Mr. Van Wart has construction approval but did not have Zoning approval for the use. The applicant received the necessary approvals from Department of Environmental Protection ("DEP"), Shade Tree, and has yearly fire inspections from Manalapan Township Fire Bureau.

Mr. Munoz asked Mr. Van Wart to describe his property by referencing the site plan, previously submitted with the application to the Board. Mr. Van Wart explained there is a residential home on the property. Behind the home there is a paver display. Customers come to the premises on occasion to see the pavers. There are storage bins for the rock, mulch, stone and soil used for the business. There is an office and pole barn. Currently the office is not in use. There is a nursery storage area along with a parking area for employee vehicles and the business trucks. There are two dumpsters in the rear of the property that are emptied on a bi-weekly basis. These dumpsters are used for grass clippings, concrete, etc. that may come back to the property at the end of the day. During peak season there are 21-24 employees including 3 office employees. The employees arrive at 7:00 AM they are given their work for the day. They load their trucks up with material, they leave site and return at the end of the day. There 3 trucks that come back to the site twice daily to pick up extra rock and mulch material. There are 12 trucks each with a trailer. There are 20-24 employee cars parked on site. There is also product delivery every two weeks. Seventy percent of the time when the trucks exit the site they are traveling toward Iron Ore Road. The only time there is traffic in the area is during pumpkin and Christmas tree picking due to the local farms in the area. David's Lawn and Landscape is not a retail establishment. Mr. Van Wart's business is seasonal running from March 15th through December 15th.

Ms. Beahm confirmed this application was bifurcated for the use only. Mr. Munoz confirmed.

Mr. Miller and Mr. Munoz discuss the site more extensively. Mr. Munoz explained the township of Manalapan installed a drainage pipe across part of the property, however the applicant is not aware of the exact location of the pipe, therefore the applicant is unable to do perform any hard engineering until the location of the pipe is depicted.

Mr. Munoz had no further questions for Mr. Van Wart.

Mr. Boccanfuso addressed the drainage improvement. In his capacity as the Township Engineer he is working with Township Committee to have the drainage improvement delineated by an easement. The proposal to the town is currently pending. Once the township permits the authorization, they will locate the improvements, compile a map and the improvement will be specifically defined. The delineated easement will assist Mr. Van Wart and his team in preparing a site plan if a use variance should be granted. Mr. Boccanfuso explained for a use variance application the largest engineering item to be addressed, relates to traffic. Mr. Boccanfuso will wait to hear the traffic testimony. Mr. Boccanfuso asked Mr. Van Wart to elaborate on the DEP approval he testified to.

Mr. Van Wart explained there is a 100-year flood plain and a 500-year flood plain on the property. The DEP visited the site to make ensure the pole barn was not in compliance, as per a complaint made to the DEP by his neighbor. A letter was received stating the site was compliant. Mr. Boccanfuso confirmed the DEP letter dated June 7, 2018 in the Zoning Board file is the same letter Mr. Van Wart is referring to. Mr. Boccanfuso summarized the DEP letter for the purpose of the Board members.

Ms. Beahm confirmed with Mr. Van Wart he as 20-24 employees and 12 trucks. The employees drive their own vehicles to the site. There are approximately 2 employees to a work truck leaving the site. The trucks go out all day, then return the trucks back to the site and take their personal vehicles home. Ms. Beahm

also confirmed with Mr. Van Wart there are 20-24 people coming in, 12 trucks going out, 12 trucks come back and the 20-24 people leave the site for the day.

Mr. Cooper referred to Exhibit A1 page 2 of the construction permits. Mr. Cooper asked for clarification on the scope of work. Ms. DeFalco confirmed the permit issued was for a 40' x 130' pole barn for farm and landscape equipment. Mr. Cooper asked Mr. Van Wart for clarification on the electrical permits. Mr. Cooper asked why the wetlands are not delineated on the plan. Mr. Munoz explained that would be shown on site plan. Mr. Cooper asked Mr. Van Wart if he sells Christmas Trees. There are no Christmas trees sold on site.

Mr. Weiss asked Mr. Van Wart if there are any employees living on site. Mr. Van Wart answered, no employees live on site.

Mr. Munoz called Charles Witczak, Traffic Engineer for testimony. Mr. Witczak was sworn in by Mr. Miller. Charles J. Witczak III, is a Professional Engineer and a graduate of New Jersey Institute of Technology with a degree in Civil Engineering-Bachelor of Science. Mr. Witczak has been practicing Engineering since 1984 and received a Professional Engineers license in 1989. Mr. Witczak was an employee of CME Associates early in his career. The Board accepted Mr. Witczak's credentials. Mr. Witczak explained he performed an empirical evaluation of the site as it would have expected to operate. Mr. Witczak referred to the site plan previously submitted to the Board, showing where Daum Road and Iron Ore Road were located in conjunction to the site. Daum Road itself is a two lane rural highway, about one and half miles long. The road provides connection between Iron Ore Road and Turnberry Drive. There are several farms in the area. Daum Road has a double yellow line down the center to prohibit passing in each direction. There are no curbs or sidewalks and the speed limit posted is 35 miles per hour. There are no storm drains in the area. Mr. Witczak explained he used data contained in the Institute of Traffic Engineers Trip Generation Handbook. The site was considered a wholesale nursery by category in the Institute of Traffic Engineers Trip Generation Handbook. The Wholesale nursery does not have access from the general public. Based on the ("ITE") data it was determined there would be 49 trips per day to the site. Weekday AM peak hour to be 2 trips. Weekday PM peak hour there would be 3 trips. The trip generation numbers are low because the ITE is referencing the peak hours for the roadway not the peak hours for the use itself. Saturday total trips per day would be 20 trips. Saturday peak hour would be 3 trips. Sunday total trips per day would be 10 and peak hour trips would 3 trips. When the traffic engineer evaluated the road from a capacity standpoint, it was determined the trips at peak hour ran at less than 1 percent less of what the roadway capacity would be. Mr. Witczak explained the applicant's business fit within the parameters of the general area.

Mr. Munoz brought Mr. Van Wart back to up for testimony and asked if he performed snow plowing and how much. Mr. Van Wart explained his business offers snow plowing and currently he owns 3 snow plows.

Mr. Witczak explained the snow plowing would not increase the trip generations.

Mr. Boccanfuso asked Mr. Witczak if any traffic counts were performed on the roadway or site itself. Mr. Witczak explained there were no counts completed on the roadway specifically and the testimony he offered earlier was purely empirical. Mr. Boccanfuso asked Mr. Witczak how he determined the roadway peak hour when there were no counts performed. Mr. Witczak explained he does not have an exact count, he based it on typical activities in the area. Mr. Boccanfuso explained it is possible with the agricultural, landscaping and farm type uses in this area, it is possible the peak hour is shifted to an earlier hour. The use code used to perform the traffic analysis was a wholesale nursery site, and that may be the most similar use. Based on Mr. Van Warts testimony Mr. Boccanfuso does not feel the use is a wholesale nursery site. The site would be closer to a contractor's yard. Mr. Boccanfuso referenced Mr. Van Warts

testimony where he explained he has 24 employees coming and going, approximately 12 trucks. That would create 36 trips where the study shows 2 to 3 trips. Mr. Boccanfuso explained the testimony provided by the traffic engineer is not an accurate representation of the site.

Mr. Munoz explained Daum Road is in the middle of nowhere and there is nobody on the road. He further explained a traffic study is an unnecessary expense for his client. Mr. Munoz explained the traffic study will cost his client several thousands of dollars to count no cars. Mr. Munoz stated if the Board wants a full traffic count they will have it done, however they were unable to have the traffic study in preparation for the current hearing.

Ms. Beahm explained to the Board she requested a traffic study from Mr. Munoz several months ago. Secondly, the use application was brought to the Board on the basis of a traffic complaint. Ms. Beahm does not feel it is unreasonable to request traffic information. Ms. Beahm asked Mr. Munoz about the traffic study one month prior to the current hearing and Mr. Munoz explained he was having trouble locating a traffic engineer.

Mr. Munoz inquired about the complaint Ms. Beahm is speaking of. Ms. Beahm explained there is a complaint dated June 18, 2017 submitted to the Zoning Department. The complaint states there are trucks going in and out of the site along with a commercial business being run out of a residential property. Mr. Van Wart testified he has 24 employees and 12 trucks which calculates to 72 trips. The traffic report states it represents 1 percent of the trips on the roadway. Ms. Beahm is confused on how one calculates that percentage without calculating the number of cars on the roadway?

Mr. Miller explained the complaint, dated June 18, 2017 referenced 146 Daum Road, David's Landscaping. Mr. Miller read the complaint for the record. The nature of the complaint was in reference to a business being run on a residential/agricultural property. There were photos of 146 Daum Road attached to the complaint. The complaint was marked as Exhibit B-1. There was a short pause in the meeting while Ms. Moench went to make copies of the complaint. Ms. Moench provided copies of the complaint to Mr. Munoz.

Mr. Boccanfuso, Ms. Beahm and Chair Leviton discuss the nature of the peak hours and traffic impact. Both Ms. Beahm and Mr. Boccanfuso expressed they are unable to opine further on the application as a result of not having traffic counts. Mr. Boccanfuso stated he was unable to advise the Board based on the information provided.

Mr. Boccanfuso explained the number of trips could be significant relative to the existing traffic on the roadway. Being the Board is considering a use variance, the Board needs to consider whether or not that relative impact speaks to the negative criteria for the granting of the use variance. Without traffic counts Mr. Boccanfuso is unable to provide specific details relative to the existing volumes or overall what is happening on site. Mr. Boccanfuso asked Mr. Witczak how he concluded that the traffic generated would account for the less than 1 percent of the roadways capacity. Mr. Witczak explained that testimony was empirical and provided further detail. Mr. Boccanfuso asked if Mr. Witczak discussed the applicant's parking plan with the applicant. Mr. Witczak did not discuss the parking plan or arrangement with the applicant. Mr. Boccanfuso stated the parking can be reviewed as part of the site plan should the applicant receive the use variance approval.

Mr. Boccanfuso and Ms. Beahm had nothing further for the traffic engineer. Chair Leviton opened questions to the Board members

Mr. Weiss asked if Mr. Witczak if he was aware of any other similar uses on Daum Rd. Mr. Witczak explained he identified two other sites that were also included in his report they were Aunt Ellen and Happy Day Farms.

Mr. Munoz asked the Boards position with regards to the need for a traffic report. Chair Leviton had each Board member comment on same.

Ms. Kamen explained in respect to the actual use of the property itself she had no issue. Ms. Kamen takes the complaint into consideration and what has transpired on the site since the complaint in 2017.

Mr. Rosenthal explained he deferred to the Board Professionals on this matter.

Chair Leviton explained he will not ask the applicant to come back and do traffic counts.

Mr. Weiss asked if the resident who filed the complaint was noticed for the hearing. Mr. Munoz said they were not on the 200-foot list. Mr. Weiss deferred to the professional decision to require a traffic study.

Mr. Cooper deferred to the Board Professionals.

Mr. Eliot deferred to the Board Professionals

Mr. Nelson explained he did not see the need for the traffic counts. With 24 employees and 12 trucks. If they went came and went a few times daily that would calculate to 100 trips. The 100 trips compared to the other businesses on the street would be minimal.

Mr. Gregowicz deferred to the professionals.

Mr. Schertz explained deferred to the professionals.

Mr. Munoz conferred with his client and decided to carry the application to determine if the applicant will perform the traffic counts. Mr. Munoz felt his client will most likely go forward with the counts.

It was determined the application will be carried to the May 2, 2019 meeting date.

Chair Leviton opened the meeting to the public for comment or questions regarding the application. Seeing there were none, Chair Leviton closed public.

Mr. Miller explained for the record and members of the public that were present, the use variance application ZBE1808, David's Landscaping and Design will be carried to the Zoning Board regular meeting to be held on Thursday, May 2, 2019. There will be no further notice to the public provided by the applicant.

Chair Leviton opened the meeting to the public for comment or questions. Seeing there were none, Chair Leviton closed public.

Mr. Miller advised the Board Boundless Adventures had withdrawn their appeal and the Board will receive an Order of Dismissal.

ADJOURNMENT:

A Motion was offered by Mr. Weiss and agreed by all to adjourn the meeting at 9:50 PM

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.