

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING MINUTES  
September 29, 2022 7:30 PM**

Chairman Stein called the meeting to order at 7:36 P.M.

**OPEN PUBLIC MEETING STATEMENT**

In compliances with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting via the September 14, 2022 Sunshine Notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and the Borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on that matter.

**PLEDGE OF ALLEGIANCE**

Led by Mr. Friedman.

**ROLL CALL**

**Present:** Shimmy Stein, John Smith, Amnon Wenger, Jose Morel, Jason Bergman, and Marc Friedman

**Absent:** Sara Berger (excused) and Richard Morf (recused)

**Also Present:** Gloria Oh, Zoning Board Attorney, Joe Kong, Board Engineer, Councilman Rafael Marte, and Hilda Tavitian, Zoning Board Clerk

**INTRODUCTORY STATEMENT**

Read by Board member Friedman.

Welcome to the Zoning Board of Adjustment. Let me briefly explain what we do. We are appointed by the Bergenfield Council to decide when a property owner should get relief from the strict application of the zoning regulations that are set forth in Bergenfield's zoning ordinance. Typically, we hear two types of variances. The first is whether an applicant can vary from land use restrictions including rules on sideline distance, height, and lot coverage. That is commonly called a bulk variance. The second type of variance is a use variance, where an applicant wants to use the property for a purpose not permitted under the zoning ordinance in that zone.

In these cases, the applicant has the burden of meeting certain criteria set forth in the Municipal Land Use Law, which is available online. We carefully listen to the testimony, including objectors, and review all relevant documents. If a majority of the Board concludes that the applicant has satisfied those criteria for a bulk variance, we must grant the requested variance. Approval of a use variance requires five affirmative votes.

Chairman Stein thanked Mr. Wenger for acting chair at last meeting. He listened to the recording of the last Dunkin Donuts hearing and everyone acted professionally. He signed the certification that he listened to the recording of the meeting.

**OLD BUSINESS**

1. Triple J. Family, Inc. DBA Dunkin' Baskin Robbins  
275 S. Washington Avenue  
Drive Thru

Carried from August 29th, 2022 Meeting

Mark Madaio, attorney for applicant, stated the applicant has concluded their case.

Matthew Ross, Mueller Law Group, stated he is the attorney present on behalf of objector, Peters Insurance.

Mr. Madaio stated the traffic engineer and planner had testified at the last hearing. The board and objector's attorney had questioned them. Mr. Madaio stated there are no other professionals to testify.

Board member Smith stated in the letter from the County Department of Engineering on page 2, item # 16, it states the existing bus stop sign shall be moved and relocated.

Mr. Madaio stated as a result of approval from the county and the request to have the bus stop sign moved, there will be a developer's agreement with the municipality and will be at the applicant's expense.

Hal Simoff, traffic engineer and planner, stated he reviewed the application and Mr. Hughes' traffic report. Mr. Simoff stated the measurement of the queuing space starts at the dispensing window, not the order window. Mr. Simoff presented to the board, Exhibit O1. He described what was on each page of his presentation. The traffic study and the plans submitted by the applicant shows dispensing from the window on the east side of the building. It shows stacking going through the order station and allows stacking for only three cars. Mr. Simoff stated if there is a fourth car stacked, it will go over the property line and be backed out onto Washington Avenue. The other issue is, in order for a car to make a right hand turn, it conflicts with the stacking room and the order station. He stated he looked at the presentation made by Mr. Hughes. The times of service does not match in the columns. The cars in the queue range from 6 minutes to 0.8 minutes. Mr. Simoff stated it takes an average of 2.8 minutes from the time of arrival until order board reached.

Board member Friedman requested clarification that there will be 6 cars total stacked as there will be 2 lanes, with 3 cars in each lane.

Chairman Stein stated the testimony at the last meeting was that the cars would merge at some point. There still will be a lane on the left side that cars can go into. Mr. Stein stated this is a B-2 zone, business district as Mr. Smith had pointed out at the last meeting. It's adjacent to B-2 zone.

Mr. Simoff stated the east side is residential.

Mr. Ross inquired if the turning radius and the car coming in for the mobile order has to fringe on the second lane.

Mr. Simoff stated the statistics provided are about the stacking at the order station. The 3 stacking cars at the order station are not enough to provide for a person to say he/she wants coffee, donut, etc. The times presented by applicant were times taken for the order lane only.

Board member Friedman stated that would be true even if there are no are vehicles in the mobile order lane.

Mr. Simoff stated the fourth vehicle straddles the sidewalk.

Board member Wenger inquired if the numbers are based on a passenger vehicle that's 19 ft in length.

Mr. Simoff stated that's the standard. The federal government has a design criteria called the American Association of State Highway Transportation Officials (AASHTO). It promulgates the design templates for different vehicles. When you are designing a road way, you have to use these templates.

Mr. Wenger stated he has a mini van that is 16.9 ft. He stated he didn't understand how the average length of a passenger car can be 19 ft.

Chairman Stein the standard parking space has to be 19 ft. He stated the average car length in the United States is 14.7 ft. The wrong number is being used.

Mr. Simoff stated RSIS standards use the AASHTO design.

Mr. Ross inquired how many 14.7 ft cars can be stacked.

Mr. Simoff's response was one more car.

Mr. Bergman inquired why Mr. Simoff's standards of design were different from Mr. Hubschman's

Mr. Ross stated Mr. Hubschman originally has 7 cars stacked and then amended it to 5 cars. There are 5 cars between the ordering station and the street on Mr. Hubschman's pla. A standard design was not used.

Mr. Simoff stated he did not see any plotting.

Board member Smith stated the templates were taken from California. California has different size roads and they are using California roads as the standard. Mr. Smith stated figure 2 shows an 18 wheeler trailer making the delivery. The applicant had testified previously that they can control the time deliveries are made and the size of the truck. The applicant had also testified the truck will be smaller. He inquired why an 18 wheeler trailer was used.

Mr. Simoff stated some of the neighbors had said they use 18 wheelers.

Chairman Stein stated they would use smaller trucks if the application was approved. He stated you can't go by the standard. The applicant's testimony was that they won't use 18 ft. trailers for the deliveries.

Mr. Simoff stated his office is across the street from the Dunkin Donuts in Chatham. The Dunkin Donuts truck makes multiple stops and doesn't just go to one site. A 53 ft. trailer has a lot of material for multiple stops, which is the standard. The standard templates are what he uses. The federal government, Bergen County, the NJDOT, the New Jersey turnpike and parkway all use the AASHTO template.

Bert Jimenez, franchise owner, stated deliveries are made Wednesdays at 11:00am. The distribution center is flexible and they are able to order an 18 ft. box truck to make deliveries for them only. Their deliveries are not during a busy hour.

Chairman Stein stated should the application be granted, they would be limited to the size of the truck and the time of the delivery, as conditions written in the resolution.

Board member Friedman stated at a prior hearing, he had expressed his concern about cars being backed up onto Washington Avenue. Mr. Friedman inquired if Mr. Simoff were to use 14.7 ft as the length of the vehicle, how many cars would back up onto Washington Avenue. He stated instead of 3, you might get 4 cars before there is a problem.

Mr. Simoff stated you might be able to get one more car in before the end of the property line. The stacking in the order station line restricts the turning. The design template allows for flexibility in the turn in terms of using a 15 ft. car versus a 19 ft. car. Mr. Simoff stated once you get backed out to the property line, you can't block the sidewalk. The template is restricting people from making the turn.

Mr. Smith stated there are no cars parked on Washington Avenue in front of the Dunkin Donuts. If the cars are backed up from the drive thru, the street is still wide enough for cars to go around.

Chairman Stein stated there's enough room to make the turn into the second lane. No one drives up to the curb.

Mr. Simoff stated in figure 3 he plotted a car making a right turn into Dunkin Donuts. He stated once the car moves closer to the curb, to the east, the template doesn't work at all because the inside radius isn't the same.

Board member Bergman stated you can't have a small car and a larger car in length making the same radius. A 19 ft. car length, that is not relevant here, would go over, but a 14.7 ft. car would not. Obviously, there is something wrong. If it is a truck, then it would be the standard. Mr. Bergman stated he understands Mr. Simoff when he stated with 4 cars in the queue at 15 ft., a car coming in to go to the mobile order lane to pick up their coffee to go around all the people waiting, would not be within the standard turn radius because it would hit the car in the queue lane for the drive thru order. He stated he doesn't think it's true because Mr. Simoff plotted it with a larger car and is not valid.

Mr. Simoff stated there is going to be a problem if the standard template in the standard design criteria is not used. There would be an 80% reduction in the radius if a 14.7 ft. car length was used instead of a 19 ft. car.

Board member Friedman stated what may be happening at 7:50am in Tinton Falls, 9:00am in Eatontown, or in any of the locations in the queue, is not relevant to the determination as to what the queue will be at those times with this Dunkin Donuts location on Washington Avenue. Mr. Friedman stated Mr. Simoff is right with respect to time but not with the number of cars.

Mr. Simoff stated their study shows the total time spent in the queue is 4.8 minutes and it takes 23 seconds to serve a car. The numbers don't jive.

Mr. Ross stated 66 cars can go through the drive thru in one am peak hour.

Mr. Simoff stated if there are 60 cars in one hour and each car takes 3 minutes in the queue, that's 180 minutes of cars idling. The buffers and setbacks don't match in the ordinance. The ordinance requires 10 ft. buffers and they only have 2 ft. Also, all of the drive thru traffic exits out on Magnolia Street.

Board member Stein stated you don't have 60 cars at any given time. It's over 3 hours.

Mr. Ross stated if there was 200 ft. of property, it would create a U shape.

Board member Smith stated there are more cars driving on Washington Avenue during peak hours, giving off emissions. You can sit there while the buses are stopped back-to-back and you can't pass around them. There is more emission on Washington Avenue than there will be going out on Magnolia Street. All new cars 2014 and on have emissions control.

Mr. Ross stated there's a buffer when the bus stops and there's no buffer in the drive thru.

Mr. Smith stated it's not the fault of the Dunkin Donuts application that the fence is off the property line. There was no ordinance back then when the fence was installed. He's not faulting Mr. Ross's client or Dunkin Donuts. Dunkin Donuts is within the 2 ft. buffer zone.

Chairman Stein stated nowadays, that building would not be allowed to be built where it currently is.

Mr. Simoff stated there currently are two cars that come out on Magnolia Street. All the rest come out from Washington Avenue. The two cars will become 66 cars with the drive thru. It's an important factor for the board to consider. It is the intent of the master plan and zoning ordinance to have traffic oriented to Washington Avenue, not to a residential area. Mr. Simoff cited from the master plan.

Board member Stein stated it will be staggered.

Board member Smith stated one side of Magnolia Street is residential, and the other side is business.

Board member Bergman stated that part of Magnolia Street is in the B2 zone. He stated making a left turn onto Magnolia Street from the property line from Dunkin Donuts down towards Carnation Street is still in the B2 zone. It's not channeling traffic into a residential area.

Board member Smith stated in the master plan, it states there is no left hand turn onto Columbia Ave and Church Street. However, the town went against the master plan because the traffic flow has changed.

Mr. Simoff stated the trip generation numbers are contrary to what is presented and there's a disconnect. He read goal #5 from the master plan into the record. Mr. Simoff stated when there is an operation that goes well into the night that is in a residential area, it's basis for poor planning.

Board member Stein it's until 10:00pm and requested that residential area be left out of the discussion. The board doesn't have the legal authority to tell the applicant what time to close their business. They had previously stated closing at 10:00pm was working well for them, and there was no need to be open 24 hours. It's post COVID-19 era and they are still saying the same.

Board member Smith brought up the example with McDonald's and stated that the county can override the town's decision.

Mr. Madaio stated what Mr. Jimenez testified to tonight was exactly what Ms. Juevarra had testified two months ago. They don't use tractor trailers. They are responsive to the size of the truck used and they would not necessarily use a small or big tractor trailer. Mr. Simoff did not listen to that testimony and plotted on figure 2 and 3 of exhibit O1, a 65 ft. and a 40 ft. tractor trailer access to the site. The applicant is saying they will not use articulated 42 ft. or 60 ft. tractor trailers. Figures 1 and 2 are now irrelevant. Mr. Madaio stated Mr. Simoff had made it clear that the county, the state, NJDOT, and the turnpike authority uses the templates. He inquired if Mr. Simoff is aware the applicant has county approval. Mr. Madaio stated this is a county road and the county has jurisdiction over the on and off on Washington Avenue. The county is so satisfied that they already approved it. Mr. Madaio stated in figure 3 of exhibit O1, Mr. Simoff tracked the vehicle in the app driveway dead center in its lane. He inquired if that vehicle could be pulled over to the right. He asked how wide is the lane. There is 2.5 ft. on each side where a vehicle can be a little over to the right or left.

Mr. Simoff stated he plotted the truck that is served now. He then went down to the smallest articulated truck. Mr. Simoff stated it doesn't mean that the county looked at and have the templates. Mr. Simoff

stated there may be 6 inches. Mr. Simoff stated the lane is 11.25 ft. wide. Mr. Simoff stated not everyone will be in the extreme left or right of the lane.

Mr. Madaio inquired if Mr. Simoff knows the number of vehicles traveling on Washington Avenue during the same peak hour from the study. Mr. Madaio stated at the worst possible hour, there will be 66 cars an hour along the fence in the drive through versus 1,500 cars on Washington Avenue. Mr. Madaio inquired if a person could not get either into the app lane or the order board lane, couldn't they just park their vehicle. Mr. Madaio asked Mr. Simoff to read from the master plan the part about encouraging appropriate residential development and densities. Mr. Madaio inquired if the use of Dunkin Donuts, with the drive thru, is a permitted use. It's not a incompatible use. Mr. Madaio stated they comply with adequate onsite parking.

Mr. Simoff stated the two directional volume is 1,500 cars. Mr. Simoff's response was yes. Mr. Simoff read into the record goal number 1 from the master plan dated February 2017. Mr. Simoff stated yes, it is a permitted use as long as the conditions are met.

A recess was taken at 9:20pm. The meeting resumed at 9:30pm.

**Questions from resident within 200' and beyond:**

Jeff Wahl, 33 Magnolia Street, inquired where will the bus stop sign be moved to and if it is in the plan.

Mr. Madaio stated they will move the sign wherever the county tells them to. The county has jurisdiction.

Cecilia Wahl, 33 Magnolia Street, inquired if any stacking testing was done of cars coming out of the Dunkin Donuts on Magnolia Street, from where it's residential, before it turns to commercial area. She inquired if anyone studied how long it would take to make a right turn at the stop sign. She inquired how many cars would be stacking coming out of Dunkin Donuts after going through the drive thru, from the stop sign to the exit. She inquired if it will be backed up with more than 3 cars.

Mr. Simoff stated the study showed the level of service being E. There would be about three cars stacked. If the queue has more than 3 cars, the driveway will be blocked.

Terry McCaffrey, 65 Magnolia Street, asked if there was any consideration of making no right turn out of the exit on Magnolia Street. He inquired if that is accurate or realistic. Mr. McCaffrey inquired if there is any provision to prevent more than 6 cars from coming down Magnolia Street. He inquired if there was any consideration to the pedestrian traffic that is already there. There's already been a pedestrian fatality on Washington Avenue and Magnolia Street. He inquired if there is any provision to ensure the safety of students. He inquired, realistically, if people pull over all the way to the right. He inquired if the order lane backs up and cars want to go into the mobile lane, do cars go around the ones that are stacked and then make the turn into the parking lot and into the mobile lane.

Mr. Simoff stated no, because they projected 6 cars making a right turn on Magnolia Street. It depends on the queuing and the wait time and all the other factors discussed. Mr. Simoff stated, in his opinion, it will probably be more than 6 cars. There is nothing in the plan. Sixteen feet is a wide one lane. The standard is 12 ft. There is 4 ft. left to pull around. If they are at the curb, the turning template is large.

Chairman Stein stated there was testimony already on this from two different engineers at the last meeting.

Roxanne Santos, 10 Magnolia Street, inquired when the picture on page 5 in exhibit O1 was taken. She inquired if Mr. Simoff could indicate on the picture where business area ends and residential begins. The

driveway on the right side of the picture is the line between residential and business. On the left side of the picture, the fence is the line between residential and business.

Mr. Simoff stated he didn't know when the picture was taken. Mr. Simoff stated on the right side of the building is Hubschman's office. The fence behind is the property line.

Chairman Stein stated the line is the driveway above the tree in the picture.

Board engineer Kong stated it was mentioned the different size of the vehicle does not have the same turn radius. An exhibit of the turning template can be created from looking at the specs from different car manufactures, i.e. Toyota, Honda, etc. He agrees that the vehicle is shown in the center of the lane. If it were able to move it over a little on the template, there would be room. There's room for interpretation.

Board member Amnon stated all the times listed for the queuing stem from 2015. He stated the Dunkin Donuts mobile ordering was created in 2016. He inquired, in Mr. Simoff's opinion, would the stacking times be lower as a result.

Mr. Simoff stated he doesn't know. He looked at the material submitted.

Howard Peters, Peters Insurance, 289 S. Washington Avenue, stated he lives on the south side of the apartment units and has lived there for 69 years. There are three other residential apartments located on the north side, on the Dunkin Donuts side. He operates the insurance agency. There are 9 windows on the top floor and 2 windows on the bottom in the building that face Dunkin Donuts.

Mr. Ross asked Mr. Peters if there is any buffer built in between his property and the Dunkin Donuts 9 parking spaces. Mr. Ross asked if Mr. Peters has observed vehicles parked in the 9 parking spaces. He inquired if vehicles head in. Mr. Ross inquired if the majority of the vehicles in the 9 spots turn off their engines. He inquired if the 9 parking spots are on the southern side of his property. Mr. Ross inquired if the applicant offers curbside pick up of orders and a mobile pick up spot. He inquired if there are a couple of setbacks on his property. Mr. Ross inquired if Mr. Peters objected when the applicant had applied for variance in 2002. Mr. Ross inquired if Mr. Peters was aware the applicant had applied for a drive thru with one lane back in 2002. Mr. Ross inquired if, in 2022, the applicant had offered to have a buffer between the drive thru lane and his property. He inquired what that proposed buffer was. He asked Mr. Peters what his concerns were in 2002 regarding the proposed drive thru lane. Mr. Ross inquired if the application from 2002 differs from what is being sought now.

Mr. Peters stated not at this time. Mr. Peters' response to all of Mr. Ross' questions was yes and correct. The proposed buffer was 7.5 ft. He was concerned about emissions from cars, idling next to the building, traffic and noise. Mr. Peters stated 2 lanes are being proposed now, it was one before. The application in 2002 was denied due to emissions, noise, and the traffic on Magnolia Street. Mr. Peters stated, with the proposed application, he is concerned about the drive thru being close to his property, emissions coming in from the windows, noise generated from cars, and traffic backing up onto Washington Avenue and Magnolia Street. There is no way Magnolia Street can handle the volume of cars. The dumpster will be moved closer to his property.

Chairman Stein stated the building being right against the property line is not the applicant's fault. Mr. Peters' building would not be allowed to be built today.

Board member Smith stated right now vehicles are making right turns on Magnolia Street. Nothing is going to change the traffic flow should the application be approved. The same thing with the bus. If the application is denied, everything stays the same way.

Mr. Peters stated if the application is approved, there would be changes.

Chairman Stein stated the application was approved by this board and denied on appeal.

Mr. Madaio stated the application was remanded on appeal.

**Questions from residents within 200' and beyond:**

Roxanne Santos, 10 Magnolia Street, asked Mr. Peters to clarify the timing of the trucks that were causing noise issues and the kind of trucks being used.

Mr. Peters stated big trucks are coming in now, 65 ft. He stated he has pictures. The time is 11:16am. He inquired where will the drive thru be if the delivery truck is in that area.

Chairman Stein stated there was testimony, should the application be approved, that there won't any trucks no bigger than a box truck and will be coming in at 11:00am.

Board member Bergman stated the delivery truck will be put on the side in the employee parking spaces, on the lateral wall, on the opposite end of the drive thru lane.

**Comments from residents within 200' and beyond:**

Joseph Tryvala, 15 Magnolia Street, stated the project of the pick-up window exiting on Magnolia Street is a problem. People will pick up their food and park on Magnolia Street to eat on an already congested street. The bus stop in front of Dunkin Donuts already causes a hazard when trying to make a left hand turn heading south. The increased traffic will add to the hazard.

Roxanne Santos, 10 Magnolia Street, stated she's lived in Bergenfield since 1993 and her parents had gone to the meetings in 2002 when Dunkin Donuts had first applied for a drive thru lane. She stated her mom had commented back then as she had two small children and there would be added fumes. Ms. Santos stated her mom is a cancer survivor. She inquired why the Dunkin Donuts owner should get preferential treatment over the constituents that live on Magnolia Street. Ms. Santos stated the road condition is bad on Magnolia Street and if the application is approved, the condition is going to get worse. Ms. Santos stated Dunkin Donuts has two other properties that don't have residential surrounding it. She implored the board members to not approve the application. She and her family will be most affected and will have to live with the decision made today.

Felix Perez, 42 Magnolia Street, stated it's not easy making a left turn onto Washington Avenue from Magnolia Street already. The drive thru, if approved, is going to create more traffic on Murray Hill and the other side streets. Mr. Perez stated his son is bed bound and uses a wheelchair. He can't see him using a sidewalk to cross S. Washington Avenue with a drive thru there. He would be waiting 20 minutes to cross. There will be much more traffic with the drive thru, especially when the train stops.

Terry McCaffrey, 65 Magnolia Street, stated the town has recognized the traffic by installing two speed humps, one between Magnolia Street and Tulip Ave, right on Murray Hill Terrace. There is a 4 way stop on Broad Street. The town has acknowledged there is a problem. He stated it is already unbearable on Washington Avenue on Saturdays, where it backs up from New Bridge Rd already down to Clinton Ave just from the stop signs. There's already been a fatal accident. If it does pass, the traffic will be exacerbated. Parents and kids walk up and down the street from both the middle school and kids going to Hoover school. It affects pedestrian safety and the spirit of the neighborhood. The quality of life will be affected.



Cecilia Wahl, 33 Magnolia Street, stated she has lived here 40 years and when she first moved here it was a country house. The entire street is now taken up by commuters. Cars coming out of the drive thru are going to come down Magnolia Street. There are a lot of children walking to school. Traffic is going to get worse. It used to be a nice, residential street.

Eleanor Santos, 10 Magnolia Street, stated her driveway is parallel to Dunkin Donuts. She has been cursed at by drivers coming out of Dunkin for driving slow because the road conditions are terrible, with potholes. She's heard it's from the delivery trucks. Ms. Santos asked the board members to consider their side and vote no. She stated they should take into consideration that it will be a hardship for the Magnolia Street residents.

Mr. Ross stated the impact of the drive thru was what the board had considered back in 2003. At that time, the application was only for one lane with a buffer. Mr. Ross stated now, there is no buffer and there will be two lanes. They made it worse. Mr. Ross stated, under the circumstances, there are two criteria, positive and negative criteria. He explained to establish the negative criteria, the applicant must show the proposed use will not cause a substantial detriment to public good. Mr. Ross stated they heard from the public comments that there will be substantial detriment. The substantial detriment is that the proposed application will cause increased traffic, increased emission, and increased noise. The traffic engineer had picked an arbitrary number out of the blue. His own textbook says there will be 40% increases in am peak hours and 110% increase in traffic during peak pm hours. It is not sufficient basis to rely on an expert's opinion. A table was provided which showed the wait time to reach the onboard was between 0 seconds and 4.4 minutes, an average of 2.8 minutes. Mr. Ross stated with 66 cars per hour, cars will be backed up on Washington Avenue. The application was denied back then because there would have been stacking onto the street. Mr. Ross stated those factors have not changed. The applicant has not provided any evidence that the mobile app lane will reduce the number of cars stacking. The applicant's traffic report underscores the traffic problems. There will be more congestion due to the drive thru. Mr. Ross stated the traffic engineer's sources are flawed. Mr. Ross stated if the application is granted, traffic will become worse, with more emissions, and stacking will spill out onto Washington Avenue as 200 ft. of frontage is needed, which there isn't. This application will substantially impair the intent of the master plan and the zoning ordinances.

Mr. Madaio stated this is a permitted use. It is not a use variance. Mr. Madaio stated it is a D variance for the condition of the conditional use. A conditional use is a permitted use where you miss one of the points. The board has to examine the damaging affect of not having that and evaluate if it is a substantial detriment, whether or not the drive thru with the 200 ft. of frontage required is on two streets instead of one. Mr. Madaio stated they believe the application, in the B2 zone, adjoins a residential zone. Mr. Madaio stated when a store was built 50-60 years ago, it was not expected to stay the same. Properties evolve and change. Mr. Madaio stated testimony from the planner was that it provides some opportunity to take advantage of it being a corner property. The only change in the building is that there will be a bay window on the side. The planning and traffic testimonies were thorough and understandable. Mr. Madaio stated the board needs to think about how effectively the operator testified and eliminated concerns. Mr. Madaio stated they already have the county's approval and the county says it's fine. The substantial detriment to public good is based on the deviation from the condition.

**Motion to Grant Application & Variance Subject to Conditions (Delivery truck no more than a 18 ft. box truck and delivery can't be during prime hours)**

**Motion By:** Mr. Wenger

**Second By:** Mr. Smith

**All Ayes. None opposed.**

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Bergman  
**Second By:** Mr. Wenger  
**All ayes. None opposed.**

Meeting was adjourned at 10:50 p.m.

Respectfully Submitted,



Hilda Tavitian, Clerk  
Zoning Board of Adjustment