

# PLANNING BOARD REGULAR MEETING

Meeting Minutes

March 4, 2021

## MEMBERS PRESENT:

Ryan VanderWeilen  
William Barker, Chairman  
Robert Musgnug  
Dianne Walker  
Melissa Arcaro Burns  
Christopher Chesner  
Jeffrey Dey  
Steve Paziienza  
Henry Balikov  
Dave Zipin

## STAFF PRESENT:

Nancy Jamanow, Planning Board Secretary  
Matthew Wieliczko, Board Attorney  
Mackenzi Kelly, Recording Secretary

**ABSENT:** Thomas Merchel

Mr. Barker called the meeting to order at 7:01 PM in a virtual meeting by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll Call as listed above.

## Minutes:

### December 3, 2020

Mr. Chesner made a motion to approve the December 3, 2020 minutes, seconded by Mr. Zipin. The roll call vote of the Board was unanimous in favor, with all eligible to vote.

### January 7, 2021

Mr. Chesner made a motion to approve the January 7, 2021 minutes, seconded by Mrs. Burns. The roll call vote of the Board with those eligible to vote was unanimous in favor.

## ADOPTION OF RESOLUTIONS

**RESOLUTION #36-2020**, Approving PB#2020-11, Big NJ Portfolio/Bancroft, 101 Executive Drive, Block 500 Lot 2-Minor Site Plan with a bulk variance. Mr. Musgnug made a motion to approve Resolution #36-2020, seconded by Mr. Chesner. The roll call vote of the Board with those eligible to vote was unanimous in favor.

**RESOLUTION #37-2020**, Approving PB#2020-09, 14 Sbar Boulevard, 14 Sbar Boulevard, Block 100 Lots 1.01-1.08-Minor Subdivision and Minor Site Plan with variances. Nancy read the resolution and the corrections to the resolution. Mr. Balikov has trouble with pg. 12 number 60. Mr. Noll was going to recommend a drainage there to reduce, however, he does not see this represented. Mr. Wieliczko stated Mr. Noll recommended it in the review letter where the applicant agreed with the ERI letters. He made recommendations to drainage issues. Mr. Dye made a motion to approve the resolution with corrections, seconded by Mr. Zipin. The roll call vote of those eligible to vote were all yes with the exception of Mr. Balikov.

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## New Business

### Referral from Township Council Ordinance 1-2021

Mrs. Taylor stated this is regarding their consistency review from the letter dated 2/12/2021. Based on Mrs. Taylor's testimony, she stated this is consisted with the Township's Master Plan.

Mr. Chesner made a motion that they agree with Michelle Taylor's recommendation Seconded by Mr. Zipin. The roll call vote of the Board with those eligible to vote was unanimous in favor.

### Referral from Township Council Ordinance 4-2021

Mrs. Taylor stated that NJ storm water laws have changed; the municipality has consistently maintained their storm water regulations to comply with that. This enhances non-structural management strategies, which provides more green infrastructure and treating storm water runoff and improving water quality. Mr. Dye inquired when it will become applicable. Mrs. Jamanow stated it will be before council 3.8.2021. The applications after that will need to comply.

Mr. Zipin made a motion that they agree with Michelle Taylor's recommendation seconded by Mr. Musnug. The roll call vote of the Board with those eligible to vote was unanimous in favor.

Mr. Barker went over the format of the meeting

**PB#2020-13** 107 W Camden Avenue Development Associates, LLC, Block 1102 Lots 27, 28, 29, 30, 31, 32 and 33; Preliminary and Final Site Plan with bulk variances Damien Del Duca from Del Duca Lewis Law Firm will be representing the applicant. He stated they are proposing to consolidate the properties and will demolish any existing structures. They want to redevelop the site for a new store with site improvements and amenities. They want to construct an 8,998 sq.ft. Dollar General retail store. There are two access points one on Camden Ave and one on New Albany Rd.

This is a permitted use in the LTC Zoning District.

The applicant is seeking various variances.

Applicant identified five witnesses, who were all sworn, as follows:

- Alex Tweedie – Civil Engineer – Landcore Engineering
- Richard Soloff – Dollar General Representative
- Nathan Mosley – Traffic Engineer – Shropshire Associates
- Andy Barrios - Albert Taus and Associates
- Tiffany Morrissey – Professional Planner

The Board Professionals were also sworn in at this time:

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- Christopher J. Noll, PE, CME, PP
- Michelle Taylor, P.P., AICP
- Scott D. Taylor, PP, AICP, LLA, LEED-AP
- Deanna B. Drumm, PE, PP, PTOE

Exhibits:

- A-1: Street View Images of P.I.Q.
- A-2: Aerial Photo
- A-3: Streetscape Renderings consisting of two pages
- A-4: Color Site Plan Rendering
- A-5: Color Site Plan Rendering (same as A-4)
- A-6: Demolition Plan
- A-7: Grading Plan
- A-8: Landscaping Plan
- A-9: Lighting Plan
- A-10: Detail Sheets
- A-11: Prior Streetscape Rendering
- A-12: Survey
- A-13: Floor Plan
- A-14: Roof Plan
- A-15: Color Elevations Plans

The applicant is looking for Preliminary and Final Site Plan approval with variances and a waiver for tree survey, which they will provide.

They have the latest review letters dated 2/27 and 2/26 and FO dated 2/17.

Alex Tweedie was accepted as an expert witness. He agreed the introductory comments from Mr. Del Duca were accurate to the best of his knowledge. Mr. Tweedie described the current existing conditions as well as the sites surrounding conditions.

### **Exhibit A-1**

Mr. Tweedie referred to this exhibit regarding portions of the site that transfer into an asphalt walkway. He described the landscaping, little pedestrian control, storm water conditions as poor and very little circulation.

### **Exhibit A4**

Shows a color rendered site plan.

He went over the proposed site's circulation and access. He stated most curb cuts will be closed. They will have two access points one on the western portion of Camden Ave and

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the second on New Albany Rd. Their goal is to have better circulation and separation from the corner of Camden Avenue and New Albany. To restrict turn movements there will be a concrete island along New Albany Rd. This access will only be right hand turn in and out. He feels the parking lot and spaces provided comply. They are proposing a new sidewalk for Pedestrian access on frontage of both streets. There will be a pedestrian plaza with a bench and trashcan allowing direct access from the corner across the parking lot to the main entrance.

## **Exhibit A 3**

Shows streetscape renderings from Camden Avenue. He discussed the two-way drive aisle as well as the parking stalls. The streetscape will have black fencing and brick piers and brick capstones. The applicant will provide shrubs and ornamental trees in front of the streetscape.

Mr. Tweedie stated the building is being placed in the rear for better circulation, to avoid crowding the corner of Camden Avenue and New Albany Road, and to meet the loading area requirements of the Dollar General. He stated they generally meet the rear yard setback, except for a unique point in the setback line to the north, which is at 12.06 feet. A bulk variance is needed.

Mr. Tweedie stated the buffering and landscaping being proposed along the north and east of the property. He described the 15' landscape buffer consisting of ornamental evergreens and shrubs for the neighboring residential properties. They are also proposing a 6-foot high fence, which will match the color of the proposed building. He said they would submit a modified plan with the buffer inside the fence line to provide for drainage improvements, recommended by the Board Professionals. He stated the 15' feet is the same as the building setback. Due to the unique pinch in the corner of the property, they are proposing to reduce the buffer width to 12 feet to allow for drainage improvements. Mr. Tweedie stated they are proposing 6 street trees 2 on Camden Ave and 4 on New Albany Ave. As a condition of approval, the Applicant agrees to install tree species type, location and number of street trees to remain consistent with the County Streetscape Plan for County grant improvements for Camden Avenue. They will also work with the Board Professionals for a spot for a 7<sup>th</sup> tree.

The loading area will be on the western portion of the site, including a trash enclosure. Deliveries are received by tractor-trailer once a week. They will pull in off Camden Ave. and back into loading zone. Recyclables will be held inside the building, which are picked up when deliveries are dropped off. As a condition of approval loading, deliveries and trash pick up will occur between 7am to 7pm.

The applicant is proposing to collect water via roof drains. As a condition of approval, they agree to install drains and vegetative swales as part of the landscape buffer. Parking lot drains will be collected and conveyed to an existing inlet from New Albany road. The Applicant agrees to install additional inlets at the Camden Avenue entrance, along the

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loading dock, and along the frontage of the parking lot to better collect and convey water into a pipe system

Mr. Noll stated in his letter that it is a former gas station. Mr. Tweedie stated the seller is responsible to remediate any environmental contamination the site is complying with legal requirements. This is a condition of approval. Also as a condition of approval, the applicant will provide a detailed outline of the proposed work as well as provide plans for the monitoring prepared by the LSRP to ERI for approval. Another condition of approval the applicant will provide a statement from the LSRP.

The applicant is proposing 2 signs (97.5 sq ft each) one on each street frontage, as well as a freestanding monument sign near the pedestrian plaza. The will be externally illuminated. They are requesting a variance to permit the two (2) wall signs to contain more than 24 sqft each. Mr. Tweedie testified a smaller sign would get lost and this is also a single tenant building.

They are proposing an eight-foot Monument sign however, the ordinance allows a 6 ft high sign. They have agreed to lower the sign. They will lower the brick base 2 feet. They are also requesting a variance for the illumination sign. Mr. Tweedie testified that internally illuminated signs is consistent with other commercial businesses in the area such as the McDonalds.

Mr. Tweedie stated the applicant is not proposing shared parking with the lot to the west. As a condition of approval, the Applicant agrees to a potential interconnection with the lot to the west if the parties agree on an easement agreement.

Mr. Tweedie stated the parking will be in front of the building due to the nature of the loading requirements of the use, and the proximity of customer parking to the front door. The Applicant needs a variance. They are requesting a variance. Mr. Tweedie testified that the variance is required due to the unique nature of the lot and the building being a prototypical building at dimensions of 70' by 130'.

They also need a variance where it requires a 4.5 feet high wall of brick stone, to minimize the visual impact from residential uses or a street line. Mr. Tweedie testified that the aluminum portions of the front yard fence are 3' high to honor the front yard standard, while the masonry piers that appear periodically on the fence line are 42" high. Mr. Tweedie stated that the piers are 42" to provide some vertical articulation and for aesthetic purposes.

Mr. Tweedie stated the Applicant is willing to discuss potential changes or suggestions to the proposed improvements with the Board Professionals. He stated the plans for the bench and trash can have already been updated to the specifications by the Township.

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## Review letters

Mr. Tweedie stated the tree inventory survey is pending. As a condition of approval, Applicant agrees to submit revised site plans to indicate the required tree protection, tree preservation, and any tree replacement calculations.

Mr. Tweedie stated the applicant proposes to leave the lighting fixture they marked in the plans. They do agree to review the location with the Board Professionals. As a condition of approval they will move the fixture if necessary due to future development.

Mr. Tweedie addressed comments regarding the solid wing wall in the NW corner. He stated due to infrequent deliveries, landscaping buffering as well as an existing garage, they do not feel it is required.

Mr. Tweedie addressed comments on the potential encroachment on property 25 New Albany Rd. They are proposing to remove the existing fence and install residential buffer plantings. Some minor encroachments need to be removed to properly landscape buffer and fence.

Mr. Tweedie stated the applicant is planting streetscape trees beyond the site triangle view. They agree as a condition of approval to place a sight triangle easement to prevent any further plantings.

The applicant as a condition of approval agrees and complies with the comments and conditions of approval in the Board Professional's review letters.

Mr. Soloff is a representative of Dollar General Corporation. He is in charge of their development and is very familiar with their operation and the store design. He stated the Dollar General is a variety store and is not a dollar store. He stated this is not a typical Dollar General store. They worked on the exterior redesign as well as the streetscape to incorporate the comments and suggestions of the Board Professionals. He stated the hours would be 8am-10pm Monday through Sunday. The busiest shift occurs once a week when they receive deliveries and will require a maximum of 4 employees. There is some small box truck deliveries and one tractor-trailer delivery. They limit the delivery hours and trash pickup from 7am to 7pm. He stated any expiring food would be donated to Feeding America. They will dispose food waste in the trash. They will have cart corals in the store with smaller carts. The employees will retrieve any left outside.

Mr. Soloff went over the outdoor display areas, there will be a propane cabinet and ice cabinet both requiring employee assistance. They will also have seasonal racks which will rotate. He stated the ice is located outside so it does not drip on the floor. As a condition of approval, Applicant agrees to install a vapor barrier under the building.

Mr. Barrios from, Albert Taus Associates-Architectural firm, he is a Project Manager. He testified as a factual witness.

## Exhibit A15

Mr. Barrios stated he is familiar with building features. This exhibit is showing the building elevations. He stated the SE corner building begins with a gable architectural element at

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the entry of the store, with horizontal siding with trim to resemble a colonial look. It resembles the architecture of the town. He stated shutters will be evenly distributed on the building. The window has some and is covered by dark bronze canopy awnings. The awnings have gooseneck lighting fixtures. The building has a brick finish and is earth toned. He stated the height of parapet varies between 42" to 48" inches around the building. The parapet will screen off any roof units. He said clear glazing is not proposed because the way the retail area is set up and would not allow for visibility.

Nathan Mosley was accepted as an expert witness. He stated they did traffic counts during the weekday from 4 to 6pm and Saturday from 11am to 2pm. He stated with the pandemic they wanted to ensure they were conservative. He also looked at historic studies. He stated that overall there would be one additional new car every two minutes. He discussed levels of service on New Albany and Camden Ave. He stated based on an engineering assessment he believes they can provide safe access to the site with minimal impact on the adjacent roadways.

Tiffany Morrissey testified the applicant is requesting several variances. The proposed Dollar General is a permitted use, however bulk variances are required due to the shape of the lot and location. She stated the proposal results in an improvement to the lot, including improved curb cuts, drainage and streetscaping.

Mrs. Morrissey went over each variance in detailed. She testified that the variances required are not considerable when considering the overall functionality and improvements. She stated the variances qualify under the c(2) criteria where the benefit of the granting of the variances would outweigh the detriments. She provided the standards for the c(2) variance and described the positive and negative criteria. She also testified that the rear yard setback variance is a C(1) hardship variance, based on the unique northern property line and shape of the site in that specific area.

## **Board Professionals:**

Ms. Taylor's testimony was consistent with the contents of her review letters. She confirmed that the comments and conditions noted in her review letter have been agreed to by the Applicant with the exception of a few things. She inquired about a visual aide for the outside storage area. Per Mr. Del Duca stated they do not have one. He stated the propane storage is similar to your typical hardware store and the ice storage is similar to what you see at a convenience store. Mr. Soloff stated seasonal displays are not structures. Mrs. Taylor disagreed and stated the location of the seasonal displays would be visible. She recommended the ice storage be inside.

She stated she would recommend the deviation regarding shared parking, shared circulation and shared cross-access easements. She also feels the curvature and the dentil molding of the cornice could be simplified. Mr. Barrios stated the applicant could simplify it.

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Mrs. Taylor testified that the fence must have a top rail.

She feels the parking variance for one or more spots would be better than trying to relocate spots.

Mr. Taylor's testimony was consistent with the contents of his review letters. He stated the applicant has made significant progress with his comments. Mr. Taylor does not agree with having outside storage. He feels it can be unattractive.

Mr. Noll's testimony was consistent with the contents of his review letters. He confirmed that the comments and conditions noted in his review letter have been agreed to by the Applicant with the exception of a few things.

Mr. Noll stated he would rather see 27 spaces remain. The Applicant agreed to work with the Professionals regarding the New Albany Access and its effect on parking spaces to avoid if possible reducing the parking spaces from 27 spaces to 25 spaces.

The applicant agreed to work with the professionals regarding drainage on the northern property line.

The applicant agreed to abide by the state and federal regulations and provide information and material to the Board Professionals regarding the contamination and remediation as it becomes available, and in a manner acceptable to the Board Professionals.

## **Board Discussion:**

Diane Walker inquired about storm-water management, and if they could provide a bio swale in front of the building along Camden Ave. Mr. Tweedie stated they have to review with the environmental consultant. They wanted to have it more in the rear; where they were less likely to be affected. He stated in regards to the propane tanks they could they be set further back.

Mr. Chesner inquired what is the material was for the gabled structure on the roof. Mr. Barrios stated it would be a truss constructed roof. Mr. Chesner inquired whether it would be open inside the building. Mr. Tweedie stated there would be a drop ceiling. Mr. Chesner also inquired about sprinkling the building. He is worried about collapse zones during a fire and the overflow of goods in the front of the building that would be stored inside during the evening. Mr. Soloff stated standalone Dollar General Stores do not have sprinklers. He stated they cannot afford to sprinkle the building. He stated the applicant would agree to not have the containers outside.

Mr. Balikov wanted clarification of the location of the discharge of stormwater from the roof. Mr. Tweedie said the applicant will work with the Board Professionals to determine how drainage will occur. Mr. Balikov also asked for identificatioi of the LSRP for contamination. Mr. Del Duca stated the seller is responsible for the cleanup of the contamination.

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## **Email Public comments:**

Donna Clark from 17 Claypoole Ave in the Lenola section is concerned about traffic at that intersection. She feels the space would be better used as a dog park.

Lauren Polenti stated she purchased a foreclosed property in Lenola with the hopes of purchasing the property next door as an investment. She sees a trend of gentrification in which she supports. There is potential here. She feels Lenola could be the next Fishtown. She commented on crime rates within distance of Dollar General. She feels a pop up garden space, beer gardens, food truck, a Cultural arts center or mini golf would be a better alternative for the property.

Janet Pendino from 34 Claypoole Ave stated she built her dream home there. She stated the building would run the entire length of her property; there are no renderings of the rear of the building. She also stated that storm water is already a problem and will exacerbate drainage issue. She expressed a desire for plantings on her property and fencing to block the view of the store. She inquired if trash pickup could be during normal business hours only.

Donna Visco is Janet Pendino's daughter, she echoed the same concerns.

## **Public Comments:**

Mr. Logue lives at 27 Harding Ave. stated many people in the general neighborhood were given the wrong phone number and code to log in. He also stated his screen froze at least twice and the public could not see the witnesses because the screen was displaying the plans when witnesses testified. He inquired about a chain link fence along Mrs. Pendino's property. Mr. Tweedie stated the applicant can remove the fence as there will be a new vinyl one. As a condition of approval, the Applicant agrees to eliminate the chain link fence subject to the approval of the property owner.

Mr. Logue inquired if anyone spoke to the neighbors regarding their plans. Mr. Del Duca was not aware of any direct communication with them, but the applicant provided public notice.

Mr. Logue asked if there was communication with the neighbors on the encroachment on the eastern property line. Mr. Del Duca said he was not aware of any however the applicant is proposing to put its fence and landscape buffer up to the property line.

Mr. Logue also wanted clarification on the fire official's letter and the request for a fire lane behind the building. Mrs. Jamanow stated the letter dated 2.17.2021 superseded the 1.11.2021 letter. She stated Mr. Orsini changed his position because the code did not require the fire lane behind the building. Mr. Orsini was not in attendance.

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Mr. Logue had concerns on the unrestricted driveway on Camden Ave. He feels the stacking lane could block egress out of the site to allow for a left turn to go eastbound on Camden Ave. Mr. Del Duca stated that is the jurisdiction of the County. They will submit a site plan approval to the County, which will need to meet their standards to be approved.

Mr. Logue inquired about why the Planning Board did not hire their own traffic engineer. Mr. Wieliczko stated the board does have their own, Deanna Drumm from ERI. She provided commentary and support for in the contents of the ERI review letters. Nathan Mosley of Shropshire Associates also addressed this traffic issues in his 2.19.2021 report.

Jose Feliciano of 19 Harding Avenue has concerns about how a 53' tractor trailer is going to back into the loading zone off of Camden Avenue. Mr. Mosley testified that the secondary access point provides benefits such as avoiding a dead end parking situation, better circulation, and better emergency vehicle access.

David Hess of 834 North Lenola Road stated he was glad there is attention to integrating the Lenola Town Center and Redevelopment Recommendations. He confirmed if the trash enclosure was in fact enclosed. He commented on the lighting, width of the sidewalk and fencing. He is concerned with traffic.

Peter Miller of 518 Devon Road he expressed his concerns about trash enclosure, truck deliveries, lighting and traffic.

Kathy Logue 27 Harding Ave. She inquired in the location selection and if the applicant did demographic studies. Mr. Soloff stated these are done for every site location and this location fits well with their existing stores. It is not a random location. She was also concerned about traffic and believes the traffic study is flawed because there is an industrial park up the road which lets out at staggered times. She does not consider the application an upgrade for Camden Avenue and it does not conform to the LTC standards.

Jim Carruthers 118 S Garfield Ave

Does not feel this is the right fit for Lenola Ave. He feels like it is a quick tax ratable.

Carol Pol from 19 Harding Ave.

She stated she is a 4<sup>th</sup> generation Moorestownian. They moved to this end of town to have their kids go out and make friends. She feels that often times decisions are made which do not take into consideration the input from the residents. She is strongly opposed to this going here and feels there could be a better use of this space.

Mr. VanderWielen stated it would be help for someone to explain what the Planning Board's role is in context of this application.

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Mrs. Jamanow stated the reason it is before Planning Board is because it is a permitted use. The board has no say on what type of retail goes in there since it is a permitted use.

Mr. Barker allowed Mr. Logue to make another comment. Mr. Logue commented that the Applicant did not meet its burden of proof that there is not a substantial detriment to the Master Plan, the Zone Plan, or the Zoning Ordinances. Mr. Logue commented that the other internally illuminated signs on Camden Avenue are pre-existing non-conforming uses. Mr. Logue stated that this application will set the tone and the standard for future redevelopment of the corridor and that each application has to be considered on its own merit.

## **Board Deliberations:**

Mr. Chesner concerned about traffic, he feels the design is very nice. He is concerned about limited access for fire. He would like the applicant to consider sprinkling the building.

Mr. Musgnug stated the Professionals encouraged Dollar General a great deal to create something better than currently exists. He stated the LTC codes were reviewed ten years ago and nothing has ever been developed. He stated the Applicant has created something there that can work and is permitted.

Mr. Zipin stated he does not like the traffic issue in that part of Lenola and that is not the applicant's fault. The town is not looking to keep it vacant or use it as a park. Their roll is not to determine what type of business goes in there. He agrees with Mr. Chesner, there is no access in the back of the building and feels the answer would be to sprinkle the building. He feels it is a tremendous improvement.

Mr. Barker stated this is a permitted use in the zone, they did a great job presenting their case. Also there will be a traffic issue no matter what goes there. He is glad the street sign was reduced to 6 feet. He feels accessory uses for propane be outside and the ice be moved inside. He stated other retail sales not be allowed outside.

Mr. Musgnug concurs with Mr. Barker with limiting sales outside.

Mr. Pazienza thought they made valid points when looking at places around town. He feels the Professionals did a fabulous job, the building looks sharp. It is not something he would pick. This is taking a step forward to fill the vacant areas and is a permitted use.

Jeff Dey concurs with other board members and feels the professionals did a great job to push back on what we like to see.

Chris Chesner inquired if the applicant would consider putting a sprinkler in that building

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Mr. Del Duca stated the building code does not require sprinklers and is a significant expense, he asked the board not to impose it as a condition.

Mr. Del Duca stated for outside use; they will agree to eliminate the outdoor display except for the propane tank. He stated this is a permitted use, the applicant agrees and are in agreement with the professional review letters, fire code letter and the DPW letter. He went over the variances the applicant is seeking. The applicant agrees to work with the professionals with landscaping and the parking variance.

Mrs. Taylor recommends the chain link fence be removed; subject to the approval of the property owner. Mr. Del Duca stated the applicant will put up new fence.

The Board's professional recommended one of light fixtures be moved. Mr. Del Duca stated they would like to leave the light pole but will remove if need be.

Mr. Wieliczko summarized the nature of the relief sought and also the Applicant's burdens of proof on the current application.

Mr. Zipin made a motion to approve the application with conditions stated, seconded by Mr. Vander Wielen. The roll call vote of the Board was unanimous in favor with those eligible to vote.

Motions passes.

## ADJOURNMENT

Mr. Barker stated the next meeting would be 4/1/2021. A motion to adjourn was made by Mr. Zipin, seconded by Mrs. Burns. The meeting was adjourned at 12:00 AM.

Next Meeting: 4/1/21 at 7:30 pm