

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

July 13, 2016, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Erich Sodtalbers called the meeting to order at 7:30 p.m. stating this was the regular meeting of the Land Use Board of the Township of Washington. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a notice was published in the Star Gazette and transmitted to the Express Times. Notice was posted on the municipal bulletin board in the Township Administration Building in Washington Township, New Jersey, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Robert Klingel, Evan Howell, Ralph Fiore, Karen Lesniewski, Joel Schnetzer, Leonard Artigliere, Stephen Swinton, Maureen O'Donnell, Erich Sodtalbers, Gretchen Foley

Absent: Brian McCatharn

Professionals in Attendance: Steven Gruenberg, Esq., Kevin Smith, P.E., C.M.E., Scarlett Doyle, P.P.

APPROVAL OF MINUTES

A motion was made by Fiore, seconded by Artigliere to approve the minutes of the regular meeting held on June 29, 2016. Ms. Parks noted an addition to the minutes. Members in favor: Ralph Fiore, Karen Lesniewski, Stephen Swinton, Leonard Artigliere, Maureen O'Donnell, Erich Sodtalbers, Gretchen Foley. Members abstaining: Robert Klingel, Evan Howell, Joel Schnetzer

PUBLIC HEARING

Mr. Klingel, Mr. Fiore were recused & Mr. Sodtalbers recused himself from both of the public hearings on the agenda and did not return to the meeting.

Vice Chairman Schnetzer chaired the meeting.

31 Investments, LLC, Application #2016-04
Block 40, Lot 26, Zone GC

Attorney, Alan Lowcher, appeared and discussed the application for amended preliminary and final site plan and variance relief for a proposed supplemental food preparation area in an existing building on site to serve food to the outside dining area. Mr. Lowcher stated that the Warren County Health Department recommended having a kitchen area to have food service closer to where the customers were consuming the food.

Mr. Lowcher stated that he would not be asking the Board to consider the proposed sign at this time and may come back to the Board at a later date. Mr. Lowcher stated the variances being requested including minimum habitable floor area and relief from the previous resolution condition of no expansion of the kitchen area. Mr. Lowcher stated that there would be a reduction in water usage and that the applicant took the position that this reduction would therefore cause no increase in sewerage flow adding that there would be shared employees which would not require any additional parking. Mr. Lowcher discussed additional conditions of the previous

resolution including items 'j' regarding in the event that the parking lot was full and 'l' regarding employee parking only in the upper gravel area and discussed the modifications made to the upper gravel parking area and access aisle. The Board discussed. Mr. Lowcher discussed the completion items that have been addressed and those that are still outstanding which would be submitted.

Attorney Gruenberg stated that the applicant had submitted the affidavit of service and publication with the intention to move forward into a public hearing and found that the Board had jurisdiction to proceed with this application as had he reviewed all of these items.

The applicant's engineer, Kurt Hoffman, P.E. was sworn in for testimony. Mr. Gruenberg stated that Mr. Hoffman had testified before the Board on numerous occasions and was the engineer in the previous application for this applicant and was accepted as a professional engineer. Mr. Hoffman discussed the application. Sheet 3 of the site plan was entered as Exhibit A-1 which highlighted the area of the existing 10'-10"x20'x10" block building which was to be converted to the food preparation area and was located within the fenced area, Mr. Hoffman did not see the need for additional landscaping since it was within the fenced area. Mr. Hoffman stated that the additional gravel in the parking area was to promote easier access and circulation. Mr. Hoffman stated that the trash enclosure had been moved and agreed to provide a fence enclosure and gave the square footage of the additional gravel pad under the dumpster which had been already been installed.

Mr. Smith asked how the applicant planned to protect the septic system from vehicular travel. Mr. Hoffman proposed to install a low guide rail adjacent to the septic. Mr. Smith asked to have the topographic data provided in the gravel parking area for storm water management review in this area. Mr. Hoffman stated that he would provide the data and agreed to grade the area to the satisfaction of the Board engineer. Mr. Smith stated that he thought the runoff could be easily mitigated away from the adjacent site. Mr. Smith stated that the new gravel in the upper parking made the circulation better and was not opposed to adding customer parking in this area since the access and circulation was improved. Mr. Hoffman stated that the applicant would like to keep the area as employee parking only.

David English, owner of 31 Investments, LLC, was sworn in for testimony. A photograph of the existing block building to be renovated into the food prep area was entered as Exhibit A-2. Mr. English stated that the Warren County Health Department would rather have the food prepared closer to where it was served to avoid airborne contamination. Mr. English stated that the existing roof and soffit were low and proposed to renovate the building by raising the roof which would be 8 foot at the soffit and approximately 18 feet in total height with no change in the building footprint. Mr. English discussed that the use of the food prep area would be seasonal and would be open only when the outdoor bar was also open and would use the existing staff. Mr. English stated that the water usage would be reduced by approximately 35% when this area was open by the use of paper and plastic only in the outdoor area and that approximately 2600 gallons per month would be saved and noted that the menu for this area would be limited to lighter fare and daily specials and that any non plastic utensils used would be cleaned inside the restaurant and there would be a hand washing sink only in the food prep area. Mr. English discussed the odors and smoke associated with this area and agreed that the dumpster would be enclosed.

Ms. Doyle asked the function of sales from the food prep area. Mr. English explained.

Ms. O'Donnell stated that the outdoor area was already using plastic. Mr. English stated that only plastic glasses were currently used and now there would be plastic plates and utensils to avoid broken glass in the sand area by the bar.

Mr. Schnetzer asked the existing use of the building. Mr. English explained that it was currently used for storage.

Mr. Gruenberg asked if there was wait staff in the outside area now and if that would continue. Mr. English stated that there was and will continue to be wait staff at the outdoor tables and that it was the costumers preference if they wanted to get their food at the prep area or be served.

Ms. Doyle asked if beer would be served at the food prep area. Mr. English explained that there only be food served at the prep area and drinks would served at the bar area.

Vincent Bassani, manager and partner in interest in the restaurant, was sworn in for testimony, Mr. Bassani discussed his background, training and certification in food safety. Mr. Bassani stated that there was always a preference to avoid moving food and for safety to cook and serve food at the same site whenever possible. Mr. Bassani stated that the floor plan and equipment list for food prep area would need approval from the Health Department.

Ms. Doyle asked if the Health Department required certain equipment such as fans and warming trays. Mr. Bassani explained.

Mr. Gruenberg asked if there was going to be a grease trap and how the deep fryer grease would be handled. Mr. Bassani explained.

Mr. Lowcher discussed the requested variances including minimum square footage where there was an existing 371 square feet where 1500 square feet is required which was a c1 variance Mr. Lowcher stated that the proposed food prep area would promote the public health and safety. Mr. English stated that the building would have new siding and a shingled or metal roof and would not look like a shed but would create a more desirable visual aesthetic. Mr. Lowcher stated that a restaurant was a permitted use in the zone.

Mr. Gruenberg stated that the prior application it was stated that the proposed improvement would not affect the sewerage flow due to the fact that there would be no expansion of the kitchen or parking and obtained a letter of no interest from the Health Department and asked for testimony for this application on the septic system.

The applicant's engineer, Robert Moschello, P.E. was sworn in for testimony. Mr. Gruenberg stated that Mr. Moschello had testified before the Board on numerous occasions and was the engineer in the previous application for this applicant and was accepted as a professional engineer. Mr. Moschello stated that this application was not increasing the seating and that the use of paper products would reduce the dishwasher usage when the outdoor area was open and that it was his opinion that the flows would not increase. Mr. Gruenberg asked that the Health Department make any determination and requested a letter of no interest. Mr. Moschello agreed.

Mr. Gruenberg discussed the conditions including compliance with Mr. Smith's review dated July 11, 2016 entered as Exhibit B-1 and Ms. Doyle's review dated July 1, 2016 entered as B-2; all outside approvals; demarcation of the septic system with a guide rail, any storm water issues to be resolved to the satisfaction of the Board engineer, not seeking relief from condition 'j' & 'l' of the prior resolution; only amendment of the prior resolution would be condition 'f' but will remain as no further expansion of the kitchen beyond any approval granted.

Mr. Artigliere asked if a copy of the Health Department approved equipment list could be submitted as part of the record. Mr. Lowcher agreed.

A motion to close the public hearing was made by Swinton, seconded by Artigliere. All were in favor.

A motion to grant the variances and approve the amended preliminary and final site plan was made by Artigliere, seconded by Swinton. Members in favor: Evan Howell, Karen Lesniewski, Stephen Swinton, Joel Schnetzer, Leonard Artigliere, Maureen O'Donnell, Gretchen Foley.

Mr. Lowcher requested that the resolution be placed on the July 27, 2016 agenda. Ms. Parks agreed to put in on the agenda.

English, David, Application #2016-05

Block 4, Lot 19.01, Zone MR

The applicant's attorney, Alan Lowcher, appeared and discussed the application for a use variance and preliminary and final minor site plan. Mr. Lowcher explained that building was previously used as a tavern banquet room known as the Roaring Rock Tavern and that the applicant was proposing to convert the banquet room into the two - 2 bedroom apartments which required a 'd' variance and minor site plan approval and that there was also an existing 4 bedroom dwelling that was to remain.

Attorney Gruenberg stated that the applicant had submitted the affidavit of service and publication with the intention to move forward into a public hearing and found that the Board had jurisdiction to proceed with this application as he reviewed all of these items.

The applicant's engineer, Kurt Hoffman, P.E. was sworn in for testimony. Mr. Gruenberg stated that Mr. Hoffman had testified before the Board on numerous occasions and was accepted as a professional engineer. A copy of sheet 2 of 2 of the site plan was entered as Exhibit A-1 which was partially rendered. Mr. Hoffman identified the existing 4 bedroom dwelling and the proposed 2 two bedroom apartments and adding that the applicant proposed to close the driveway opening to Brass Castle Road and would retain the existing driveway opening to Jonestown Road which leads to a common parking area without any major modification to the existing drive. Mr. Hoffman discussed the review prepared by Mr. Smith dated July 13, 2016 and Ms. Doyle's review dated July 3, 2016. Mr. Hoffman agreed to provide 2 handicap spaces which would be paved and would include paved access to the building. Mr. Hoffman stated that the applicant would replace the gravel with additional lawn area as highlighted on the exhibit maintaining 25 foot wide aisle width to the parking area. Mr. Hoffman stated the applicant would prefer to provide a fenced trash enclosure rather than a dumpster which would be located to the satisfaction of the Board's professionals. Mr. Hoffman stated that the plan proposed to close the opening at Brass Castle Road which was a major collector road for safety purposes adding that he could not relocate the driveway elsewhere due to the septic location. Mr. Hoffman discussed the existing lighting and agreed to a night light test as a condition of any approval and to modify the lighting if necessary to the satisfaction of the Board engineer and stated that he thought that the lighting was sufficient. Mr. Hoffman discussed that there were as no adequate locations to install street trees due to the utility wires and sight line issues along the right of way and agreed to provide landscaping to the satisfaction of the Board professionals. Mr. Hoffman discussed the onsite parking requirement to be paved and curbed with delineation of parking spaces and instead proposed to install bumper blocks to delineate the parking and would prefer to keep the existing gravel and not pave. Mr. Smith stated that the paving and curbing were an ordinance requirement that would require a variance since it was in the zoning ordinance adding that from the engineering perspective it would work either way and noted that curbing had a more commercial feel and adding that it was at the Board's discretion.

Mr. Lowcher discussed item 9 from Mr. Smith's review regarding the Highlands stating that Ms. Parks, as a Township highlands exemption designee, had forwarded him an email from the Highlands Council which stated that an exemption determination was not required due to the fact that there were no increase in impervious coverage proposed. Mr. Artigliere asked if there was a copy of this for the record. Ms. Parks explained that there was a copy in the file for the record.

Mr. Hoffman stated that the septic system was tested for function and that the flow would be reduced from the previous use as a restaurant and was an outside agency issue. Mr. Smith asked if there would be any modification based on the number of bedrooms Mr. Hoffman discussed and stated he would contact the Health Department.

Ms. Doyle discussed the concept plan on page 3 of her report which added private areas for the apartments with fencing and closed off the driveway opening and removed the driveway from Jonestown Road and left the driveway opening on Brass Castle Road to the parking area which greatly reduced the impervious coverage which created a more residential feel to the lot and asked why the applicant could not use this plan. Mr. Hoffman explained for safety purposes the Brass Castle Road opening should be closed citing the risks of accidents when coming out onto Brass Castle Road. The Board discussed.

David English, owner, was sworn in for testimony and discussed the application stating that since buying the place he had improved the building and has received thanks from the neighbors and added that the current tenants themselves closed off Brass Castle Road due to safety reasons. A photo looking across Brass Castle at the front of the building was entered as Exhibit A-2, a photo from the corner of Brass Castle Road and Jonestown Road was entered as Exhibit A-3, a photo looking at the side & back of the building in the gravel area was entered as Exhibit A-4 Mr. English located the proposed doorway location in the rear of the building left of the chimney, a photo showing the rear of the building was entered as Exhibit A-5, a photo looking at the front of the building was entered as Exhibit A-6 Mr. English located the existing and proposed doorways that entered into the front patio area.

Mr. Lowcher agreed that 1 of the proposed 2 bedroom apartments would an affordable housing unit and would adhere to those regulations. Mr. Lowcher agreed to reduce the gravel area to the satisfaction of the Board's professionals; to maintain the entrance to Jonestown with the existing width; Mr. Lowcher found no reason to remove the existing walk and stated that there was an existing large yard for tenant use. Mr. English stated the existing outdoor cooler was to be sold and removed. Mr. Lowcher agreed to work with the professionals on the landscape plan; the existing sheds were to remain for use by the tenants; the applicant would like the driveway and parking area to remain gravel with the exception of the handicap stalls. Mr. Smith asked the location of the doorways and escape windows. Mr. Lowcher stated that the architectural plans were not 100% yet but would be submitted. Ms. O'Donnell asked about the structure in the front. Mr. English explained that the fence was rotted and would be replaced. Mr. Artigliere asked if there was room to have a small private area in back of each apartment. Mr. English agreed to provide privacy fencing between the units. Mr. Smith noted that the overhead wires in the area of the driveway opening of Brass Castle Road may be in the way of the proposed Norway spruces being installed to block off the driveway opening. Mr. Hoffman agreed to move the proposed location of the spruce trees.

Mr. Lowcher discussed the variance relief to allow the two-2 bedrooms apartments and discussed the special reasons noting that the 1 proposed affordable housing unit would be considered an inherently beneficial use and discussed the negative criteria. The Board discussed.

A motion to close the public hearing was made by Artigliere, seconded by Swinton. All were in favor.

A motion to grant the use variance was made by Lesniewski, seconded by Artigliere. Members in favor: Evan Howell, Karen Lesniewski, Stephen Swinton, Joel Schnetzer, Leonard Artigliere, Maureen O'Donnell, Gretchen Foley.

A motion to grant the 'c' variances, design waivers and approve the minor site plan with the conditions as discussed along with the usual conditions was made by Howell, seconded by Artigliere. Members in favor: Evan Howell, Karen Lesniewski, Stephen Swinton, Joel Schnetzer, Leonard Artigliere, Maureen O'Donnell, Gretchen Foley.

PUBLIC CONCERNS AND COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Hearing no further comments, a motion was made by Artigliere, seconded by O'Donnell to adjourn the meeting at 9:45 p.m. All were favor.

These minutes were approved on July 27, 2016

Respectfully Submitted,

Eileen Parks
Secretary to the Board