

**Washington Township Board of Adjustment
June 1, 2016**

Chairman Spina called the regular Meeting of the Board of Adjustment of June 1, 2016 to order at 7:00 p.m.

MEMBERS PRESENT: Anthony Spina, Morris Bauer, Mark Soga, Derrick Thauer, Geoffrey Price
Alternate Members: Eric Raes, Dorothy Walter
Members Absent: Harvey Ort, Robert Bridgman
Others Present: Engineer Leon Hall, Attorney Gail Fraser, Secretary Barbara Margolese, Traffic Engineer Harold Maltz

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 21, 2016 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance

MINUTES

1. **May 4, 2016 regular meeting**

Minutes of the May 4, 2016 meeting were reviewed. A motion was made by Mr. Soga, seconded by Mr. Thauer to approve the minutes as corrected (the address for the Townsend application is to be changed to Pleasant Grove Road). A voice vote was taken and the motion carried.

Ayes: Anthony Spina, Mark Soga, Derrick Thauer, Geoffrey Price, Eric Raes, Dorothy Walter
Nays: None Abstentions: Morris Bauer

*The meeting was opened to the public for items not on the agenda.
No comments were received and the meeting was closed to the public for items not on the agenda.*

RESOLUTIONS

2016-08 Daniel & Susan Russell – Block 40, Lot 25 – 326 Fairmount Road – “C” Variance (side yard setback) for garage addition

A motion made by Mr. Price, seconded by Mr. Soga to approve the resolution as presented.

Roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes, Walter Nays: None Abstentions: None

2016-09 James Townsend – Block 61, Lot 13 – 40 Parker Road – “C Variance front yard setback for second story addition on first story addition that received variance in 2006

A motion made by Mr. Soga, seconded by Mr. Price to approve the resolution as presented.

Roll call vote taken of eligible voters and motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes Nays: None Abstentions: None

APPLICATIONS

1. Gerry & Dale Adickes – Block 50.01, Lot 2 – 345 Pleasant Grove Road – “C” Variance for side yard setback - *Completeness Determination and public hearing*

Representatives present: Bill Beck, Geraldine Adickes

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Bill Beck and Geraldine Adickes were sworn-in Mr. Beck introduced himself as the applicant's brother-in-law as well as her contractor. Mr. Beck presented plans to the board showing two different additions which are being proposed; one has already been approved by the zoning officer and construction official and the subject addition that requires a variance for side yard setback.

A motion was made by Mr. Price, seconded by Mr. Soga to deem the application complete. A voice vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes, Walter Nays: None Abstentions: None

The applicant was informed that the overhang that is 8 ½ feet from the side property line was to be used rather than the side of the building. Mr. Beck noted that the proposed addition will be a substantial improvement to this property. Mr. Beck stated that the Adickes have spoken with their neighbors and that they have no problem with the proposed addition. Engineer Hall noted that the proposed addition will result in no additional bedrooms and that it is merely a reconfiguration.

A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the side yard setback variance allowing an 8 ½ foot setback. A roll call vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes, Walter Nays: None Abstentions: None

2. Kevin Peach – Block 43, Lot 63.03 – 87 Old Turnpike Road – Steep Slope Variance & Ridgeline Protection Area Certification for the construction of a garage – *Completeness Determination only*

Randall Peach, attorney for Kevin Peach, introduced himself to the board. Mr. Peach informed the board that public notice had been served to the property owners within 200 feet and to the newspaper. It was determined that documents had been submitted within the ten day period before the hearing date.

A motion was made by Mr. Soga, seconded by Mr. Raes to deem the application complete, contingent upon the submitted documents being reviewed by the Board Engineer, and being found satisfactory, and that the public hearing for Kevin Peach's application be carried to the July 6th board meeting without further notice unless it is determined that the submitted documents are found not to be satisfactory. A voice vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes, Walter Nays: None Abstentions: None

3. Anthony Cappuccio – Block 13, Lots 12 & 12.01- Jones Lane - Variance to allow single family dwelling construction on a non-dedicated Street – *Public Hearing continued*

It was noted that the applicant had submitted the required revised plans for the hearing after the deadline of ten days before the hearing. The applicant's attorney Michael Selvaggi asked that the public hearing notice be carried to the July 6th meeting. An announcement was made that the public hearing for Anthony Cappuccio's variance application be carried until the July 6 meeting which begins at 7:30 p.m. and that no further notice will be given.

4. Heritage Senior Living – Block 8, Lot 8 – Use Variance – 67 Drakestown Rd. – Use Variance for 36-Bed Assisted Living Facility – *Public hearing*

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The applicant's attorney Michael Selvaggi asked that the public hearing notice be carried to the July 6th meeting as the applicant had fallen ill and the Board still had to hear OMG Burger's application before Heritage Senior Living's application. An announcement was made that the public hearing for Anthony Cappuccio's variance application be carried until the July 6 meeting which begins at 7:30 p.m. and that no further notice will be given.

5. Schooley's Mountain Road Associates (OMG Burger) – Block 33, Lots 2, 3, and 4 – 141 Schooley's Mountain Road – Use & "C" Variances & Preliminary/Final Major Site Plan – *Public Hearing*

Mr. Craig Peregoy, Traffic Engineer for the applicant addressed his traffic study. He stated that Fridays and Saturdays would be the busiest days for the site. Mr. Peregoy stated that he had done traffic counts on those two days. Mr. Peregoy noted that according to ITE (Institute of Transportation Engineers) standards that 43% of business is pass-by traffic on Fridays. He said that these customers are people that are driving by and decide to stop in. Mr. Peregoy stated that he did not use pass-by numbers for Saturday counts. He stated that the increase is low as compared to the previous site uses.

Mr. Peregoy addressed the parking on the site. He stated that the number of parking spaces is based upon providing one space per every 2.5 seats in the restaurant or 1 per every 75 square feet of restaurant's floor area (whichever yields the greater number of spaces). Mr. Peregoy noted that the basement space is only to be used for office space, storage and a changing room for employees. Mr. Peregoy stated that 59 parking spaces are being proposed and that 147 seats are being proposed and that includes that seating being provided on patio during the summer. He stated that the seating inside will be reduced during the summertime. He presented Exhibit "A-3", showing parking counts at Restaurant Village at the intersection of East and West Mill Road and Schooley's Mountain Road and Fairmount Road.

Mr. Peregoy addressed the traffic turn-over at the proposed pick-up window and stated that it would be much faster than regular customers. He noted that the industry standard for parking space size is 9 foot by 18 foot and that for restaurant use it should be satisfactory. Planner Banisch and Traffic Engineer Maltz recommended that hairpin striping be used for the parking area. Engineer Hall asked about using wheel stops for the parking spaces along the infiltration trench. Project Engineer Joe Sparone stated that they can use clean stone before the trench rather than use the wheel stops, as wheel stops would cause problems during snow removal. Mr. Hall stated that the wheel stops did not have to be required initially; however, if in two years the situation is reanalyzed and it is determined that they are need; they would have to be installed.

Traffic Engineer Maltz stated that he agrees with Mr. Peregoy's computation with regard to the parking need on the site. He stated that if the basement floor area was not added in the computation would be 63 spaces required. Mr. Maltz said that he thought he could see ways to add the four additional spaces to the site. Mr. Maltz stated that the parking lot across the street lines up with the restaurant drive and that it would be unsafe for pedestrians to walk across the street. M. Peregoy stated that he would not like to encourage pedestrians crossing the street. Mr. Maltz said that he did not want to encourage it either but if it is allowed, signage and a yellow and orange lights would be required at the crossing. It was noted that because Schooley's Mountain Road is a county road, the County would have to approve the crossing.

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Attorney Fraser asked if the applicant had thought about valet parking for the restaurant. Planner Banisch stated that the applicant could see if the valet parking is needed and that it could be based on an annual review of the site.

The Board reviewed Mr. Maltz's report dated May 27, 2016. It was noted that the number of parking spaces on the site is limited because specific environmental constraints on the site. Signage for the pick-up area was recommended but could re-evaluated based on the success of the use of the pick-up window. Exhibit "A-4" was presented showing the site plan specifically showing the proposed 64- 9 feet by 18 foot spaces and additional parking spaces on the site. It also addressed the circulation on the site when the trash truck comes to pick up trash on the site.

Fire Department Chief Kevin Herbst was sworn-in. He stated that the Fire Department has reviewed the plans and that the turning radius looks appropriate on the site. He said they are recommending that a truck fire lane be created to put the truck in case of fire and that the fire code requires that it be 20 feet in width. He said that fire lane striping should be provided on the north side.

The hearing was opened to the public for questions for the Traffic Engineer. No questions were asked. Mr. Maltz said that he was satisfied with Mr. Peregoy's testimony.

Planner Paul Ricci was sworn-in. Mr. Ricci proceeded to address the relevant characteristics of the site. He presented Exhibit "A-5" showing the site's characteristics. He stated that the proposed project is Highlands exemption qualified. Mr. Ricci stated that the site was developed in 1955 as a restaurant and bar and that it has historically been known for this use. He stated that there is only one residence in the general vicinity. He stated that the last tenants on the site which currently contains two buildings were a restaurant /bar and a florist shop. Mr. Ricci stated that a use variance is required because the proposed restaurant use is not a permitted use in the R-5 Zone. Mr. Ricci addressed the positive criteria for the use variance stating that sanitary sewer is available to this property and the use is more appropriate for the site and is suitable for this type of commercial use. Mr. Ricci stated that the benefits of this use are that it is a repurposing of an underutilized property which will provide for the needs of the community. He stated that the design is tasteful and the location of the new building is an additional five feet from the roadway that the existing building. Mr. Ricci referred to the Plato case stating that the board should evaluate the proposed project as a whole and that it is not appropriate to apply residential bulk standards for the R-5 Zone to this use. He stated that the parking is appropriate for this site as it has been proposed as it proposes a more efficient use of the land. He stated that the site currently is vacant and has been since 2010. He stated that the application will not result in any negative impacts to the Master Plan or the Zoning Ordinance. He stated that buffer plantings have been proposed and that conservation easements and deed restrictions can be applied. He stated that the application meets the Medici enhance proof for the variances.

The applicant addressed the requested D (6) height variance. Exhibit "A-6", was presented showing an architectural drawing of the proposed building which was shown on Sheet A-2 of the architectural plans having a revision date of 3-14-16. It was noted that the height of the building is 44 feet which is to the top of the cupola and that it is 38 feet to the top of the roof. It was noted that the roof line of Our Lady of the Mountain Church across the street is similar to what is being proposed.

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The applicant stated that the C (1) and C (2) variance criteria has been met for the front yard setback variance. Mr. Ricci stated that 100 foot front yard setback is not appropriate as the proposed 4 foot setback will give much more of a neighborhood feeling to the site and that the 34 foot setback is adequate. He stated that the parking setback is an improvement on the current layout on the site and that it has an increased front setback. It was noted that a row of hemlocks are being proposed along the property line that is next to the nearest residential property.

The board discussed the proposed signage for the site. The proposed freestanding sign height is proposed to be 12 foot 6 inches. It was decided that the freestanding sign could be reduced to 45 square feet in area with dimensions of 9 foot by 5 foot, and that two building façade signs could be installed. The façade signs would be placed on the eastern and southern sides of the building and gooseneck lighting above the signs is to be used. A lighting inspection will be required after construction is completed and before a certificate of occupancy is issued.

Exhibit "A-7" was presented showing the site plan with the conservation easement being exhibited. It was decided that 1. Conservation Easement equals 15.6 acres of property; 80% of property, therefore the small corner to the north of the property is to be waived for a conservation easement. 2. A sanitary sewer easement is to be provided which is located from the subject property to the township police department property.

A motion was made by Mr. Bauer, seconded by Mr. Soga to direct the Board attorney to draw-up a resolution approving the D(1) use variance to allow a restaurant use in the R-5 Zone, and the D(6) height variance allowing a building height of 38 feet 8 inches and a cupula height of 44 feet, and to approve a C (1) variances for a 34 foot front yard setback, a freestanding sign with a three foot setback and height of 12.67 feet and a 45 square foot sign area (9 ft. by 5 ft.), and two façade signs (one on the south side of the building and the other on the eastern side of the building), and approve design waivers to allow parking spaces to be 9 foot by 18 foot in size, and no designated loading space, and a reduced conservation easement area, and to approve the preliminary and final major site plan. A roll call vote was taken and the motion carried.

Ayes: Bauer, Soga, Thauer, Price, Spina, Raes, Walter Nays: None Abstentions: None

DISCUSSION/CORRESPONDENCE

1. Vouchers

A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the vouchers as reviewed by the Chairman. A voice vote was taken, all were in favor and the motion carried.

A motion was made by Mr. Soga, seconded by Mr. Raes to adjourn the meeting at 11:30 p.m. A voice vote was taken all were in favor and the meeting adjourned.

Respectfully Submitted,

Barbara Margolese, Secretary