

Washington Township Board of Adjustment

April 6, 2016

Chairman Spina called the regular Meeting of the Board of Adjustment of April 6, 2016 to order at 7:00 p.m.

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

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. **March 2, 2016** regular meeting

Minutes of March 2, 2016 were reviewed. A motion was made by Mr. Bauer, seconded by Mr. Soga to approve the minutes as presented. A voice vote was taken and the motion carried.

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

*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.*

APPLICATIONS

1. Anthony Cappuccio – Block 13, Lots 12 - Jones Lane - Variance to allow single family dwelling construction on a non-dedicated street

The Board Secretary noted that the applicant's escrow account is in need of funding and, therefore, the application is being deemed incomplete.

A motion was made by Mr. Bridgman, seconded by Ms. Walter to deem this application as incomplete. A roll call vote was taken and the motion carried.

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

2. Daniel & Susan Russell – Block 40, Lot 25 – 326 Fairmount Road – “C” Variance (side yard setback) for garage addition – Completeness determination only

Representatives present: Daniel Russell, Susan Russell

Engineer Hall informed the Board that the applicant did not submit rear building elevations. Mr. and Mrs. Russell asked that the Board grant a waiver for the rear building elevation as this elevation will face existing woods.

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A motion was made by Mr. Bridgman, seconded by Ms. Walter to deem this application as complete with the granted waiver for the rear building elevation. A roll call vote was taken and the motion carried.

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

3. Matthew Leff – Block 54, Lot 8.01 – 13 Middle Valley Road – “C” Variance for proposed in-ground pool – Completeness determination and public hearing
Representatives present: Matthew Leff, Stephanie Riccardo, Engineer Joseph Sparone

Engineer Hall referred to his 4-4-16 report, stating that 5 variances are being requested. Attorney Fraser stated that all 5 variances were noted in the public notice.

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

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

Engineer Joseph Sparone, Matthew Leff, and Stephanie Riccardo were sworn-in. Engineer Sparone stated that Mr. Leff had submitted an application for an in-ground pool and that the subject property is located in the R-5 Zone. He stated that the existing driveway was found to be not on their property and a driveway was added to the plans. Mr. Sparone noted that there is an existing shed that was built across the property line which will be moved onto the Leff property.

Variances for this application were noted: the shed - 25 feet required and 0 feet proposed, the pool - 25 feet required and 5.3 feet proposed, the shed – 100 foot front yard setback required and less than 100 feet proposed, the pool – 100 foot required front yard setback and 67.9 feet proposed front yard setback, and improved maximum lot coverage – 15% and 17.3% proposed.

Engineer Sparone noted that the subject lot is oddly shaped and that the applicant wants the 12-foot by 28-foot pool to be constructed in the rear of the property which creates the need for the variances. Mr. Sparone stated that the existing septic field restricts the location of the pool as well. Mr. Sparone stated that the proposed pool will be located 55 feet from the Columbia trail. He stated that a 4-foot high fence will be installed as per code requirements. He stated that 95 cubic yards will be removed from the site. He stated that the application and has received conditional approval from the Health Department and that the applicant will have no problem addressing the 2 Health Department conditions. Engineer Hall stated that the applicant will have to apply for a driveway permit.

Planner Banisch stated that there should be no direct view of a lighting source from this property, the plans should be modified to reflect that the required front yard setback is 100 feet, not 50 feet, and supplemental landscaping should be provided. Mr. Sparone stated that the location of the pool will be the least intrusive to the neighbors and that additional landscaping can be planted behind the pool. Mr. Banisch stated that green giant arborvitae can be used. Mr. Raes

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suggested that the fence is installed straight to the front of the shed along the northerly property line and that shrubbery can be planted inside the fence.

Conditions for this application were noted as follows: 1. the driveway on the county property will be left alone, 2. The 2 conditions required by the Board of Health will be addressed, 3. lighting on the property will be shielded, 4. The plan will show the required 100-foot front yard setback and 5. Additional landscaping will be planted.

A motion was made by Mr. Bridgman, seconded by Mr. Soga to approve the noted variances with the noted conditions. A roll call vote was taken and the motion carried.

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

It was noted that before the permit is issued the septic system issues must be addressed and the driveway permit and initial roughed driveway must be put in with stone installed.

The Board took a break from 7:55 p.m. to 8:05 p.m.

3. 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 – Completeness Determination & Public Hearing

Representatives present: Richard Schneider, Esq., Joseph Sparone, P.E., and Applicant Steve Bucell

Engineer Hall referred to his 4-4-16 report. He stated that the Letter of Interpretation for the location of wetlands on the site is in the process and that he could recommend that the Board grant a waiver for completeness for this item. He also recommended that a waiver be granted for the use of one-foot contours instead of 2-foot contours and for the submission of as-built plans.

A motion was made by Mr. Soga, seconded by Mr. Thauer to deem this application as complete with the noted waivers being granted.

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

Attorney Richard Schneider introduced the project stating that the property contains 19.59 acres and is in the R-5 Zone. He stated that the proposed restaurant will be 8440 square feet in area and will have 147 seats. Mr. Schneider stated that the existing buildings on the site will be demolished.

Mr. Schneider addressed the variances that the applicant is seeking relief for. He stated that variances are needed for front yard setback, the number of parking spaces, building height, parking space size, loading space requirement, the setback for parking, and signage.

Engineer Joseph Sparone and applicant Steve Bucell were sworn-in. Mr. Bucell stated that the restaurant is to be a family style restaurant which to attract a younger demographic. He stated that it will be a sports themed restaurant which will offer 10 to 20 different types of

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burgers, and will serve beer. Mr. Bucell stated that the hours of operation will be 11:30 a.m. to 12:00 a.m. He noted that in the summer outdoor patio seating will be available for 30. Mr. Bucell stated that they are looking to hire local people for the restaurant. He presented a photo of a conceptual idea of what the restaurant will look like. He noted that the restaurant will have a country feel and will have a lot of windows.

Mr. Bucell stated that 15 to 20 employees will be working at a time from 10:30 a.m. to 12:30 a.m. He stated that 59 parking spaces have been proposed. The hearing was opened to the public. Ms. Joan Canonico (James Trail) asked about music and the outside dining. Mr. Bucell stated that there will be no outside bar and that no bands will play only one musician. Mr. Paul Levesque (11 (Schooley's Mountain Road) noted that here is a noise ordinance which affects all residential zones. Mr. Bucell stated that no music will be played after 7:00 p.m. Mr. Scott McDougal (123 Schooley's Mountain Road) asked about lighting. He was told that lighting will be addressed with later testimony.

Engineer Joseph Sparone stated that the existing building is located close to the right of way. He stated that there is an unnamed tributary that is located to the rear of the property which requires a riparian buffer which covers the entire lot, and there is a wetlands transition area as well. He stated that the application for a letter of interpretation has been submitted for the wetlands. Mr. Sparone presented Exhibit "A-1" which is a colorized version of Sheet 5 of the submitted site plans with sheet 8 superimposed over it. Mr. Sparone stated that the building will have a basement, a mezzanine level, and the main floor. He stated that no seating will be located in the basement and that it will be used for storage only. Mr. Sparone stated that without the square footage area of the basement, the plan would only require 63 parking spaces. Mr. Sparone stated that 113 parking are required for this project. He said that 59 parking spaces have been provided and they are a mix of 9 feet by 18 feet and 10 feet by 18 feet spaces. Mr. Banisch asked Mr. Bucell to take a look at the gross floor area for the Brew Pub village restaurants and take note of the parking for that site. Mr. Sparone stated that the proposed front yard setback is to be 34 feet from the right of way. Mr. Sparone stated that with the building cupola, the height of the building is 44 feet high; 38 ft. 8 inches to the ridge and 20 feet to the eve. He noted that this will require a D-6 variance.

Mr. Sparone presented Exhibit "A-2" showing the vehicle circulation on the site. The applicant was told that the Fire Department will have to review the site plan. It was noted that the Morris County Planning Board has reviewed the plan. Mr. Sparone stated that there will be 3 dumpsters on the site and that pickups will take place one or two times per week. Mr. Banisch stated that the hours of pick-up are to be during the midday.

Mr. Sparone stated that a grease trap has been provided and that the sewer line extension with a force main line crosses under the road has been approved. Mr. Sparone stated that a variance will be needed for the free standing sign. He said that the height of the sign is proposed to be 14.5 feet high.

Attorney Fraser stated that there is a phone company easement on the property and that information regarding this easement needs to be submitted to the Board professionals. The applicant agreed to comply with the WTMUA letter that was received and the Board of Health letter.

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It was announced that the traffic expert, the architect, and the planner will give their testimony at the May meeting. The hearing was opened to the public, and no public comments or questions were offered. The Board attorney announced that this public hearing will be carried to the May 4th meeting and that no further notice will be given to the public.

DISCUSSION/CORRESPONDENCE

1. Vouchers

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

A motion was made by Mr. Bauer, seconded by Mr. Soga to adjourn the meeting at 10:10 P.M. A voice vote was taken all were in favor and the meeting adjourned.

Respectfully Submitted,

Barbara Margolese, Secretary