

**WASHINGTON BOROUGH LAND USE BOARD
MINUTES OF REGULAR MEETING HELD ON
JUNE 10, 2019**

The regular meeting of the Washington Borough Land Use Board was called to order by Chairman Turner at 7:30 P.M. in the second floor Court Room/Council Chambers of the Borough Hall. Chairman Turner read the following statement into the record: "The requirements of the "Open Public Meetings Law", P.L. 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law." Chairman Turner led the Board in the Pledge of Allegiance.

ROLL CALL: Present: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Absent: none
Also Present: Steven Gruenberg, Attorney
Stan Schrek, Engineer
Elena Gable, Planner

APPROVAL OF MINUTES:

Regular Meeting of May 13, 2019 – No comments. Therefore, it was moved by Higgins, seconded by VanDeursen to approve the minutes as presented.

ROLL CALL: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Ayes: 6; Nays: 0; Abstentions: 3
(Valle,P.Post,C.Post)
Motion carried.

RESOLUTION:

A&B Properties – tabled to next month

Titus/Phillips – extension of time. No comments on the resolution. Therefore, it was moved by VanDeursen, seconded by Higgins to adopt the resolution as presented.

ROLL CALL: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Ayes: 5; Nays: 0; Abstentions: 4
(Valle,P.Post,C.Post, Frascella)
Motion carried.

Open Space Plan – No comments on the resolution. Therefore, it was moved by Higgins, seconded by VanDeursen to adopt the resolution as presented.

ROLL CALL: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Ayes: 6; Nays: 0; Abstentions: 3
Valle,P.Post,C.Post,Frascella)
Motion carried.

APPLICATIONS:

CVS – completeness hearing: Mayor Higgins and Councilwoman Valle stepped down. Stephen Schepis represented the applicant. Review letter dated 6/4/19 was received. Waivers for completeness only were requested: environmental impact statement and topography. Mr. Schreck stated that a TRC meeting was held 6/7/19. He agrees with allowing waivers and feels the Board can deem the application complete. The public hearing was scheduled for 7/8/19. Therefore, it was moved by VanDeursen, seconded by P. Post to deem the application complete and schedule the public hearing for 7/8/19.

ROLL CALL: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Ayes: 9; Nays: 0; Abstentions: 0
Motion carried.

Taco Bell – completeness hearing. Mayor Higgins and Councilwoman Valle returned to the meeting. Larry Cohen represented the applicant. Would like to commence with the public hearing if the application is deemed complete. Review letter dated 6/7/19 was received. Requesting waivers for environmental impact statement (surrounding properties are developed), plan conformity, topographic information, business information, and fire department review. Elena Gable noted that the lighting plan did not show information. Temporary waiver also requested for the lighting plan. Therefore, it was moved by Higgins, seconded by Aron to deem the application complete.

ROLL CALL: Valle, P. Post, Aron, Higgins, VanDeursen,
C. Post, Frascella, Fox, Turner
Ayes: 5; Nays: 4(Valle,P.Post, C.Post, Frascella);
Abstentions: 0
Motion carried.

Public hearing opened. Attorney Gruenberg stated that he had reviewed the notice and the Board has jurisdiction to proceed. The applicant is proposing a Taco Bell restaurant on Washington Avenue. Council previously included fast food restaurants as a permitted use.

Sam Patel was sworn in. He is the franchisee and owns Taco Bells in Mansfield and Warren Township. Hours of operation will be: Sun-Thurs 7am to 10pm with drive-up open until 12am; Friday-Sat drive-up opened until 1 am. 45% of customers use the drive-up and 55% go inside. Employee shifts: 7 am – 2; 10 am-4; 1pm – 5; 4pm – 6; 10pm – 3. There are 42 seats and 6 outdoor seats(faces Washington Ave with railings around patio-closes at 9pm.-access only from inside). Deliveries made by a 24ft truck between 12am and 5am. Concern was raised regarding noise that early in the morning. Mr. Patel stated that he can change the delivery times to be between 10am to 5pm.

Elena Gable asked about the dumpsters. Mr. Patel stated that pickup is 2 times/week for a 6yd and a 3 yd dumpster (one for garbage and one for recycling) during business hours. Used oil is picked up in the building. Aesthetics will include stone on the tower like the Mansfield store, gooseneck lamps for signage.

Kevin Kravner, Cornish Street, asked if it was necessary to be opened until 1 am. Mr. Patel stated that it is in the franchise agreement. There is a possibility of getting a waiver from Taco Bell.

Mr. Hussain, W. Washington Ave., also commented about the 1 am close.

Cindy Smith, W. Washington Ave., asked about surveillance. Mr. Patel stated that there is video surveillance of the lot. No further questions of Mr. Patel.

Mr. Pellizzoni, Engineer, was sworn in. He was deemed a professional witness.

Exhibit A-1: site plan/landscape plan dated 6/10/19. Mr. Pellizzoni discussed the plan. There will be one ingress and one egress on Washington Ave. and an ingress/egress on South Lincoln Ave. Approximately 12 cars can be stacked at the drive-thru. The building will be 2,000 square feet. Dan Frascella asked about an outdoor menu board. Mr. Pellizzoni answered yes.

Elena Gable suggested moving the entrance and garbage north to provide more of a buffer. The hearing will be continued to the July 8, 2019, meeting. No further notice will be given.

There was a 5-minute break at 8:40 pm.

10 Brass Castle Road, LLC – public hearing. Mayor Higgins and Councilwoman Valle stepped down. George Dilts represented the applicant. The application is for preliminary and final site plan with D1 & C variances. Part of the site is in the Borough and part is in the Township. The site is located in the B1 zone. They are proposing a rehabilitation center with Phase 1 having 40 beds and Phase 2 having 26 beds.

The site plans were revised on 5/15/19 and the architectural plans were revised 5/10/19. Review letters were received. Attorney Gruenberg stated that the Board has jurisdiction to proceed. Ralph Finelli, Architect, was sworn in and accepted as an expert witness.

Exhibit A-1 – utilization of the existing building

Exhibit A-2 – will use same colors as currently exists

Exhibit A-3 – building phases – plan shows floor plan of rooms. Some rooms are double occupancy.

Elena Gable asked if there was a basement. There is a small basement for utilities. The number of restrooms is dictated by the state. The site will be fully sprinklered.

Sahara Mena, Christine Place – Ms. Mena asked about the type of patients using the facility. Ron Pearce, Christine Place, asked about security on the property. Barbara Biava, Christine Place, asked about the distance from her property.

Michael Mandale, Managing Member, was sworn. He stated that the facility is a 28-day short-term residential treatment center. There are no treatment centers in Warren County. They are regulated by DHS and DCA both in program and clinically. Mainly a substance abuse program.

Exhibit A-4 – statistics in Warren Co – out patient

Exhibit A-5 – statistics in Warren Co – residential

There is only one treatment center currently in Warren Co. located in Blairstown. The hours are 24/7 with three shifts: 8 am-4pm; 4 pm – 1apm; 12am-8am. Phase 1 will consist of 15 employees and Phase 2 will have 22 employees. One to two admissions per day. Screening is done before admittance.

Exhibit A-6 – sample daily schedule. There will be male and female sections. Daily headcounts are taken and staff escort patients. There is outdoor space for recreation. Deliveries will take place during the day. There are internal and external security cameras. Most stays are paid for by Medicaid or insurance. Visitors are scheduled by appointment. No employees live on site.

Sahara Mena, Christine Place, asked about security. There are security guards at night.

Ron Pearce, Christine Place, asked why the need for Stage 2? Feels they could operate with Stage 1.

There are no criminals or court ordered patients.

Mark Wisniewski asked if the facility was for profit. He was answered yes. He then asked why not select a different property instead of requesting variances. He was answered that this property is suited for their needs.

Barbara Biava, Christine Place, would like to see break area moved so it is not behind her home. No further questions from the public.

Theodore Bayer, Engineer, was sworn in and accepted as an expert witness.

Exhibit A-7 – revised site plan of 9 sheets dated 5/15/19

The property is in the highway business zone. Most of the property is located in the Borough but access is through the Township (page 2). There is public sewer, water and gas. The current sign will be used. Page 3 shows the proposed building. There will be 40 parking spaces. The building is 85 ft from the property line. The closest house is 150 ft. They are proposing two seepage pits by Brass Castle Road. There will be 10% more impervious coverage after Phase 2. They are proposing 2 rows of pine trees as a buffer plus the existing trees for a total of a 40 ft, buffer. There will be 4 trees around the recreation area. Lighting will consist of the existing lights and wall lights. Will do a night light test. They received a letter from Warren County regarding site line. They are seeking soil erosion approval and highlands approval.

Mr. Turner suggested moving the recreation are. Dan Aron suggested adding another. Elena Gable stated that the lights at night should be dim.

Mr. Pearce asked about sinkholes and fencing. He also stated that kids use that area to go to Quick Chek.

Ms. Mena asked about the fencing. A 4 to 6 ft high fence is proposed.

John Hill, Civil Engineer, was sworn in and accepted as an expert witness.
Exhibit A-8 – traffic report dated 6/7/19
Proposing 40 spaces. Feels adequate parking.

Public hearing to continue to 7/8/19. No further notice will be given.

NEW BUSINESS: None

OLD BUSINESS: None

REPORTS OF OFFICERS AND COMMITTEES: None

UNAGENDIZED STATEMENTS:

The housing plan will be discussed during a public hearing at the next meeting in July. Meeting to start at 7 pm. Motion to start next meeting at 7 pm. All in favor.

COMMUNICATIONS: no discussion

ADJOURNMENT:

The meeting was adjourned at 10:59 p.m. All in favor.

Respectfully submitted by Patricia L. Titus, Land Use Board Clerk