

**WASHINGTON BOROUGH LAND USE BOARD
MINUTES OF SPECIAL MEETING HELD ON
JULY 22, 2019**

The special meeting of the Washington Borough Land Use Board was called to order by Chairman Turner at 7:00 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:	P. Post, Aron, Higgins, C. Post, Fox, Turner
Absent:	VanDeursen
Also Present:	Steven Gruenberg, Attorney Stan Schrek, Engineer Elena Gable, Planner

APPLICATIONS:

10 Brass Castle Road – public hearing continued: tabled until after Taco Bell

Taco Bell – public hearing continued:

Larry Cohen represented the applicant. Changes were made to the plan. Six parking spaces are for residents 24/7.

Cynthia Valle arrived at 7:04pm.

Mr. Pellizoni discussed the lighting plan. Changed the lights to LED soft light. Exhibit A-10 – type of light to be used.

George Ritter, Planner, discussed the existing conditions to site.

Exhibit A-11 – existing conditions

Mr. Ritter described the Krauzer site prior to being demolished. There were 5 curb cuts: 3 on Washington Ave and 2 on So. Lincoln. The site is flat until mid-site then a 14 ft change in grade.

Exhibit A-12 – neighborhood photos dated 6/19/19

Exhibit A-13 – neighborhood photos dated 6/19/19

The reports from the Engineer and Planner were reviewed. There are 3 ordinances: redevelopment, fast food and Chapter 94. Five variances are requested: 1 for the drive thru and 4 design standards. The drive thru will be 12 ft wide and one way out. The existing driveway adjacent to So. Lincoln will retain a 24 ft width.

1. Variance – retain the 24 ft width: safer for entering and more room for handicap parking near building
2. Building – set back of 57.9 ft. from So. Lincoln.
3. Façade length
4. Washington Ave – 22% of frontage vs 60% required; So. Lincoln – 25% of frontage vs 60% required
5. Height – proposing 24 ft/one story

Variance criteria:

Further the goals of the redevelopment plan; in keeping with Washington Ave storefronts; keeps parking in the rear; pedestrian scale; minimizes disruption to residential area.

Design waivers:

Parking – 23 spaces for Taco Bell and 6 spaces for permit parking

Bicycle parking – want to provide only 1 bike rack
Parking drive-thru – stand by parking for drive thru

Dan Frascella arrived at 8:02 pm

Lighting – all LED with foot candles complying.
Buffers – 4 ft to 12 ft (varies around site)
Fence – no fence to the east

Signage waivers:

Two lights above sign 22ft above street level
Three wall signs instead of two 6.5 ft on wall instead of 36 in.

Exhibit A-14 – rendering of building
Free standing sign/monument sign
All signs backlit

Mr. Schreck wants to see more detail of drives at Rt. 57. Elana Gable asked about the depth of the signs.
Mr. Ritter stated not sure. Ms. Gable asked if they can use gooseneck lighting at monument sign.

Hearing to be continued to 8/19/19 at 7pm. No further notice will be given. All in favor.

5-minute break
Meeting reconvened at 8:55.

Mayor Higgins and Councilwoman Valle stepped down.

10 Brass Castle Road – public hearing continued
George Dilts represented the applicant. The applicant would like to proceed even though there are only 6 voting members in attendance. Will make a decision later in the meeting as to votes or wait until another meeting when 7 members will be in attendance.

Public comment opened.

Ron Pearce, Christine Place, was sworn in. He feels that the application should not be approved. He stated that it is not beneficial to the neighborhood and there are unanswered issues such as no geo tech study, water line access and sewer line connection.

Vincent Iannelli, Jr., 328 West Washington Ave (owns mini-mall) – He feels the school is too close to this facility and his restaurant is even closer.

Barbara Biava, Christine Place – Has had sewer problems in the past, concerned for grandchildren, feels the project will lower property

Cornelia Kiessling, Christine Place – concerned about fire drills and where the patients will go and water discharge planning

Luis Mena, Christine Place – Attorney Jim Cutler represents Luis and Sahara Mena. Questions asked by Mr. Cutler: concerned about safety, no benefit to the neighborhood and water connection.

Sahara Mena, Christine Place – concerned with safety, lack of light on Christine Place, and does not feel this property is a suitable place for a rehab facility.

Linda Pearce, Christine Place – concerned about safety and does not think it is a suitable place for a rehab.

Mark Wisniewski – West Washington Ave – is concerned about the 24/7 use of the property.

Closing argument from James Cutler – He does not dispute the beneficial use but has concerns that this location is not suitable for a rehab. There would be a detriment to the public good in the neighborhood. There has not been testimony from law enforcement and no testimony regarding property values. Also the sewer and water inadequacy. Mr. Cutler referenced an unpublished opinion from the appellate court. Attorney Gruenberg advised to not allow this opinion in decision. Motion to follow the Board Attorney's advice. All in favor.

Mr. Dilts' closing argument included:

They have received letters of will service for the sewer and water.

The D1 variance is for use.

The C1 variance is for the number of parking spaces.

Waivers for buffer (extra trees and fence); curbing (none); parking space sizes.

Facility and operations information testimony was given. There is a need for this type of facility.

Chairman Turner asked if there were background checks done on the patients. Mr. Dilts stated no.

After a discussion with his clients, Mr. Dilts stated that they would come back in August so the 7th member of the Board can vote.

Mr. Gruenberg stated that the hearing will be continued to 8/19/19 at 7 pm so Mrs. VanDeursen can hear the testimony before voting. The matter will not be open and no additional testimony will be taken. Mr. Dilts agreed to an extension of time.

ADJOURNMENT:

The meeting was adjourned at 10:31 p.m. All in favor.

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