

**Township of Washington
BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
July 30, 2014**

Meeting Called to Order at 7:30PM

First Order of Business: Salutation to the Flag

Open Public Meetings Act: Read into the record by the Board Secretary.

Roll Call Taken:

Messrs. Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Also in Attendance: Board Attorney Robert Wertalik; Board Engineer Paul Azzolina; Board Secretary JoAnn Carroll

Approval of Minutes: Dumaresq, Pinnick

June 25, 2014

Ayes: Dumaresq, Pinnick, Mayor Sobkowicz, Chairman Calamari

Abstain: Golick, Murphy, Sabino

Recuse: Councilman Sears

July 9, 2014: Chairman Calamari, Pinnick

Ayes: Dumaresq, Golick, Murphy, Pinnick, Mayor Sobkowicz, Chairman Calamari

Abstain: Sabino

Recuse: Councilman Sears

November 2, 2011: Chairman Calamari, Sabino

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Mayor Sobkowicz, Chairman Calamari

December 7, 2011: Chairman Calamari, Golick

Ayes: Golick, Murphy, Sabino, Mayor Sobkowicz, Chairman Calamari

November 30, 2011: Dumaresq, Sabino

Ayes: Dumaresq, Golick, Murphy, Sabino, Mayor Sobkowicz, Chairman Calamari

Motion to Open Public Portion: Councilman Sears, Dumaresq

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

No Public Comment

Motion to Close Public Portion: Councilman Sears, Dumaresq

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

John & Maryann Murphy, 218 Lafayette Avenue, Block 4429, Lot 7: applicants seek approval of an addition to their house; Zoning Officer denied zoning application submitted as per Article XV Chapter 245-85 of the zoning code/Conditional Use.

Chairman Calamari: asked the applicant to come forward; asked Mrs. Murphy if she had received a copy of Mr. Azzolina's report.

Mrs. Murphy: stated she had just received a copy.

Mrs. Maryann Murphy, 218 Lafayette Avenue, sworn in by Mr. Wertalik.

Mrs. Murphy: stated her home is a 1950s cape; she is looking to raise the back corner; not disturbing anything else around the area; no soil movement; the garage will not be touched; just a dormer in the back.

Chairman Calamari: stated the applicant did have a copy of Mr. Azzolina's report; Chairman Calamari stated he has read the report; asked Mr. Azzolina regarding the foundation not being in line with the property line.

Mr. Azzolina: stated it is not parallel to the northerly property line.

Chairman Calamari: asked if the proposed addition is lining up with the house or the property line.

Mr. Azzolina: stated it is offset off the existing northerly foundation wall; it is offset from the existing house; 8 inches for a portion of the overall length of the addition which is the depth of the house; when the survey is viewed, the applicant is showing a side yard setback at the NW corner of the dwelling of 14.52 where 15 ft. is required; that is an existing non-conforming condition; if they were to build directly on top of that, it would exacerbate the existing non-conforming condition.

Chairman Calamari: asked if the proposed addition, on top, is not in line with the existing building.

Mr. Azzolina: stated that was correct; when you look at the architectural drawings they offset at 8 inches.

Chairman Calamari: directed his question to the builder/contractor who was in the audience; asked if the builder had intended to be off by 8 inches.

Mr. Terry Kiley, Contractor for Applicant: stated he followed the plans; from the outside of the house, the dormer that goes out the back is jogged in 8 inches from the outside to achieve a small roof line up the side to give it a little more appeal.

Mr. Azzolina: stated it also achieves the primary objective which was to be conforming; the way the applicant has it shown now the offset is indicated to be 15.19 ft. which is greater than 15 ft. so therefore compliant; the area that is being discussed is 8 inches wide by approximately 5 ft. in depth; 3 sq. ft. area that would theoretically encroach in the side yard second floor elevation; the air space; it also creates within the structure an unusual wall configuration where there is an 8 inch jog within the bedroom; for symmetry purposes the same 8 inch offset was done on the other side; didn't need to do that for variances, but was done for symmetry; Mr. Azzolina stated he had spoken to the applicant's architect earlier this same day and he indicated this was discussed with the applicant; they would like to do it; align the walls if they could, but it was presented as submitted; the practicality of the structure, the fact it is already there, an argument can be made to go vertical and have that slight encroachment at the second floor elevation to the magnitude of 3.5 sq. ft.

Chairman Calamari: asked if Mr. Azzolina felt that this would delay the approval of the application.

Mr. Azzolina: stated no; if the Board were to approve the application, the Board would simply approve it subject to a revision of the plan; and then there is another issue which needs to be addressed which is the existing shed on the location; it was discovered when he visited the site; there is an existing shed in the NW corner of the property; not shown on the architect's site plan nor on the survey which dates back to 2003 so, obviously, the shed was constructed between then and now.

Chairman Calamari: asked if the shed was conforming at its current location.

Mr. Azzolina: stated he suspects it is not; he was not able to enter the backyard.

Councilman Sears: asked if the issue with the shed would stop the Murphys from proceeding with their project.

Mr. Azzolina: stating the shed can be looked at as a separate issue; as a further revision of the plan; if they were to propose to keep, the shed needs to be indicated on the site plan exactly where it is in respect to the side and rear property line; the code does limit accessory structure locations; in this zone there is also a limit with respect to impervious coverage; this needs to be added into the calculations.

Chairman Calamari: asked if Mr. Azzolina could determine if the shed had been there for a while.

Mr. Azzolina: stated it appears to have been there for a while.

Mrs. Murphy: stated the shed has been there for approximately 10 years.

Chairman Calamari: stated there were no issues that would stop the Board from conditionally going forward.

Mr. Azzolina: stated yes; relative to the shed, it can be relocated since it is not on a permanent foundation per the applicant; the fence line is behind the shed, then the rear yard of the neighbor's on Cosman.

Mayor Sobkowicz: asked about the garage.

Mr. Azzolina: stated the structure, as noted in his report, does not currently have a garage; the way the code reads, it speaks of new construction requiring a garage; not applicable to additions and alterations; grey section of the code; there is no garage on the property.

Chairman Calamari: confirmed this was not considered new construction relevant to a garage.

Mr. Azzolina: stated no; the application is basically a second story addition.

Mr. Dumaresq: asked if the Murphy's neighbors had any problems with their shed.

Mr. Murphy: (speaking from the audience) stated no.

Motion to Approve Application subject to the conditions Mr. Azzolina has enumerated: Councilman Sears

Before a second motion was stated for the record, the following conversation ensued:

Mr. Azzolina: asked for clarification if the Board was desirous of having the 8 inch offset eliminated at the second floor.

Mr. Kiley: stated the plans could be changed to show a straight line instead of the jog.

Mrs. Murphy: agreed to change the plans to show a straight line.

Mr. Azzolina: stated the plan would have to be amended to reflect the change.

Chairman Calamari: asked if the variance would stop the Board from going forward, or could the application be approved with stipulations; new plans would have to be submitted.

Mr. Azzolina: stated as long as it is clear in the minutes and in the resolution that conditions are required; he will need to receive revised plans and will contact the Building Official and the Zoning Officer and that can be worked out.

Motion to Approve Application subject to the conditions Mr. Azzolina has enumerated: Councilman Sears, Chairman Calamari

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Resolution: John & Maryann Murphy, 218 Lafayette Avenue, Block 4429, Lot 7: approval of an addition to their house; Zoning Officer denied zoning application submitted as per Article XV Chapter 245-85 of the zoning code/Conditional Use; subject to conditions

outlined in Mr. Azzolina's report dated July 30, 2014: **Read aloud by Board Secretary; Mr. Wertalik stated the conditions of the approval of this resolution relate to the jogging in terms of the 8 inch difference and also with the location of the shed; both conditions will be reflected in the revised, proposed resolution which will be provided to the Board office on July 31, 2014.**

Motion to Approve Resolution including the proposed amendments: Councilman Sears, Dumaresq

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Mr. Durim Mustafa, Prime Steakhouse, Washington Town Center, 251 Pascack Road: applicant seeks approval to open a steakhouse in the WTC.

Chairman Calamari: asked the applicant to come forward; asked the applicant to give an overview of his proposed business.

Mr. Durim Mustafa sworn in by Mr. Wertalik.

Mr. Mustafa: stated his uncle was in attendance this evening; his uncle is his business partner. (**Sabani Baskim, Uncle and Business Partner of Mr. Mustafa**) wants to open a prime steakhouse; all prime meats and seafood; around 80 seats.

Chairman Calamari: asked if Mr. Mustafa would be obtaining a liquor license.

Mr. Mustafa: stated no; it will be a BYOB.

Chairman Calamari: confirmed the business would be named the "Prime Steakhouse"; asked if all the meats served would be classified as prime.

Mr. Mustafa: stated yes.

Mr. Dumaresq: asked if the applicant had ever run another restaurant before.

Mr. Mustafa: stated he has worked with his uncle in two other restaurants; in Oak Ridge and New Milford; Mr. Mustafa has worked in Maine and in NYC; this will be a family business.

Councilman Sears: asked what the hours of operation would be and how many days a week would the restaurant be open; in addition, Councilman Sears asked how much staff Mr. Mustafa would employ.

Mr. Mustafa: stated the restaurant would be open 6 days a week and the hours would be 11AM-10PM; stated there would be 6 staff members; the restaurant would be closed on Mondays.

Councilman Sears: asked if Mr. Mustafa planned on having an outdoor eating area.

Mr. Mustafa: stated it is a good idea, especially in the summer, but by the time they open the summer would be over.

Councilman Sears: stated Fire Prevention would have to be contacted before any outdoor area was established.

Mr. Mustafa: agreed.

Chairman Calamari: stated the previous restaurant had asked the Board for outdoor dining which the Board approved; but there were complaints received from the neighbors about the noise; if the applicant did go forward with outdoor dining the Board would have to specify the conditions to buffer the noise.

Councilman Sears: stated there needs to be a buffer from the exit and entrance of the movie theater; they cannot be encroached upon.

Chairman Calamari: asked if the Board agreed, that if the Board approved this application this evening, approval for outdoor seating would be withheld for another informal meeting; the applicant would have to come back in front of the Board but there would be no fees involved.

Mr. Sabino: stated the plans submitted showed a pizza prep area; asked if this plan was taken from another tenant.

Mr. Mustafa: stated the previous tenant made pizzas and approval was received from the previous tenant's architect to use the plans.

Councilman Sears: asked if anything on the plan would be renovated.

Mr. Mustafa: stated no; it will be kept the way it is.

Mr. Golick: asked if any changes would be made to the fire/stove relative to making the steaks.

Mr. Mustafa: stated it would be identical.

Mr. Baskim: stated an Italian restaurant needs large ovens; the steakhouse needs a broiler; there is no stove on the premises at this time; the pipes for the exhaust are there; no flooring to be replaced; painting and touch-up only.

Chairman Calamari: asked if Fire Prevention would do an inspection after the hook up.

Councilman Sears: stated yes.

Chairman Calamari: instructed the applicant that an inspection needs to be done by Fire Prevention once all the hook ups are made.

Motion to Approve Application: Chairman Calamari, Golick

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Mayor Sobkowicz: asked the applicant when they planned to open.

Mr. Mustafa: stated sometime in September.

Resolution: Mr. Durim Mustafa, Prime Steakhouse, Washington Town Center, 251 Pascack Road: approval for applicant to open a steakhouse in the WTC. **Read aloud by the Board Secretary.**

Chairman Calamari: asked if a letter was received by Mr. Azarian regarding the lease.

Ms. Carroll: stated the last page of the signed lease was received.

Motion to Approve the Resolution: Councilman Sears, Dumaresq

Ayes: Dumaresq, Golick, Murphy, Pinnick, Sabino, Councilman Sears, Mayor Sobkowicz, Chairman Calamari

Chairman Calamari: stated there will be an amendment to the resolution because the Board is not approving the outside seating at this time; an amended resolution will be signed on July 31, 2014.

Mr. Paul Imbarrato, 195 Linwood Avenue, Block 2501.01, Lot 16 & 17: amended minor subdivision application/completeness review.

Chairman Calamari: stated there were a lot of reports received from Stagger Lee; in terms of completeness, Chairman Calamari asked Mr. Azzolina to review and inform the Board if he felt the application could be deemed complete at this time.

Mr. Azzolina: stated application documents were received which are the amended subdivision plans, revised stormwater management report, revised soil movement calculations and cross sections; they have reviewed all of those items; they address the requirements of the code fully; he deems the applicant complete at this point and it should be placed on the next available hearing date.

Chairman Calamari: asked if the next step in this process would be to receive a detailed report from Mr. Azzolina on this application.

Mr. Azzolina: stated he would provide that document in advance of the hearing date; a ten day notice would have to be given by the applicant.

Meeting availability was discussed with the Board and the applicant. The applicant was instructed to check the availability of his engineer and contact the Board Secretary with that information as soon as possible.

Motion to Adjourn: Pinnick, Dumaresq
All Board Members present approve Motion to Adjourn.

Meeting adjourned at 8:20PM

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
August 13, 2014