

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT
MINUTES**

February 28, 2019 at 7:33 P.M.

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Also Present:

Brian Brendle – present

Susan Lalji - absent

Donald Nolan – present

Bruce Waitzel - present

Owen Quinn – present

John Tangeman - present

Chairman Dennis Pearsall - present

Mark Kitrick, Board Attorney

Louis Lobosco, Board Engineer

Mary Ellen Karamus, Board Secretary

Alternate #1

Thomas Martin – present

Chairman Pearsall announced:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS INCLUDED IN A LIST OF MEETINGS SENT TO THE COAST STAR AND ASBURY PARK PRESS, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND ON THE BOROUGH WEB-SITE.

EACH APPLICANT SHALL BE LIMITED TO FIFTY (50) MINUTES TO PRESENT THEIR CASE, AS PER RESOLUTION #10-2007.

Approval of Minutes: January 24, 2019 – Reorganization and Regular meetings - motion to approve the minutes was made by Mr. Brendle, seconded by Mr. Quinn;

Roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Mr. Martin; Chairman Pearsall

NAYS: None

ABSTAIN: None

Correspondence: 02.20.19 Correspondence from Mr. Lobosco regarding 1708 Beverly Avenue:
Lucciola –

Mr. Lobosco stated a new architect is involved with the project; all variances and foot print is the same as what was before the board at the time of application.

Old Business: **Wayne Teicher**
Application No. ZB-2018-07
1225 Holly Place
Block 47 Lot 4
Expand existing Garage

Mr. Kitrick reminded Mr. Lawrence; the architect for Mr. Teicher, that he was previously sworn at the January 24, 2019 meeting and is still under oath.

Mr. Lawrence stated that since the last meeting, the 2nd floor of the garage has been eliminated from the plans. Mr. Lawrence added that the 720 square footprint has been kept and reconfigured at a lower height. They have kept the same side yard setback off of the lane from the west property line. Mr. Lawrence stated that it is the same distance from the house. They moved the garage toward Holly Place and are within the allowed 20 feet. Chairman Pearsall asked if there were any questions from the board. Mr. Quinn asked if there were any plans for drywells agreed to. Mr. Lawrence stated that there will be a drywell for the garage. There is a gutter and down leaders to a gravel drywell. Mr. Kitrick asked the height of the garage. Mr. Lawrence stated 15 feet. Chairman Pearsall asked if anyone from the public had any comments or questions on the application.

Voice of the Public Opened by Mr. Martin; seconded by Mr. Tangeman
Roll call taken as follows:

All in favor
None opposed
None abstain

There were no questions or comments from the public

Voice of the Public Closed by Mr. Martin; seconded by Mr. Quinn.
Roll call taken as follows:

All in favor
None opposed
None abstain

Chairman Pearsall clarified that there would be no water but there would be heat to the garage. Mr. Lawrence agreed.

A motion was made by Mr. Brendle to approve the application as amended and presented at this meeting with the addition of the drywell; seconded by Mr. Nolan.

Roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Tangeman; Mr. Martin; Chairman Pearsall
NAYS: None
ABSTAIN: None

New Business **Resolution 2019-07** Appointing Jennifer Beahm of Leon S. Avakian, Inc. as Board of Adjustment Planner

Chairman Pearsall announced Resolution 2019-07

A motion was made by Mr. Brendle to approve Resolution 2019-07; seconded by Mr. Quinn.

Roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Chairman Pearsall; Mr. Martin
NAYS: None
ABSTAIN: None

810 Highway 71, LLC, Application No. ZB-2018-04

810 Highway 71

Block 69 Lot 10

Create an outdoor patio for seating and service

600 Warren Ave.

Block 53 Lots 4 & 5

Employee parking and overflow parking

Mr. Robert Cosgrove representing the applicant, 810 Highway 71, Associates, LLC stated that applicant is proposing constructing a 13 by 54 dining area in the front of the Spring Lake Tap House, which requires several variances. Mr. Cosgrove added that the owners of the Tap House were present, Cornelius Durkin and John Sullivan and the engineer William Merunka of R.C. Associates.

Mr. Cosgrove stated that they were before the board previously with a similar application that was withdrawn. He added that at that time parking was a concern to neighbors. Mr. Cosgrove stated that this application includes a plan for off-site parking at 600 Warren Avenue which is around the block from the Tap House. It is a commercial building with a parking lot that is not used at night or on weekends. Mr. Cosgrove added that the owners have acquired a house at 815 Mercer Avenue that is zoned commercial and can be turned into a parking lot. He stated that is not part of the application presently.

Mr. Lobosco asked Mr. Cosgrove to describe where the house is. Mr. Cosgrove explained that it is the adjacent lot on Mercer Avenue with the next residential home past the Tap House.

John McCormack of Dynamic Traffic, John Sullivan, Cornelius Durkin, William Merunka and Louis Lobosco, sworn by Mr. Kitrick.

A-1 – Preliminary and Major Site Plan

A-2 - Rendering of wall around dining area

Mr. Merunka stated his educational and professional engineering qualifications to the board.

The board accepted Mr. Merunka's qualifications as an expert.

Mr. Merunka stated that the property, which is zoned B-2 commercial, is on the corner lot of Mercer and 71.

Mr. Merunka added that the bar and the parking lot is approved zoning. Mr. Merunka stated that the house on the neighboring lot is a B-2 zone with a non-conforming single family residential home. Mr. Merunka added that the adjacent lot on 71 is an antique store and a parking lot.

Mr. Merunka referred to A-1. Mr. Merunka described the proposed outside dining area as 54 feet along Route 71 with a paver surface area and trench drain for runoff. Mr. Merunka added that it will be surrounded by a 3 foot brick wall with a pier light on top and an iron rail.

Mr. Merunka stated that 600 Warren Avenue has 41 parking spaces; 15 of those are extra parking spaces to be used for an employee parking lot which would offset the restaurant parking lot. Mr. Merunka stated 600 Warren Avenue is 2 blocks and 1,000 feet away from the Tap House.

Chairman Pearsall asked who owns the lot on 600 Warren Avenue. Mr. Cosgrove stated that the principals of the Spring Lake Tap House own 600 Warren Avenue. Mr. Cosgrove added that a deed restriction or lease that would be required could be a condition of board approval.

Mr. Lobosco asked how the 15 extra parking spaces at 600 Warren Avenue were determined. Mr. Merunka stated they looked at the survey of the property. Mr. Merunka stated that the extra 15 spaces were based on one spot for every 300 square feet. Mr. Merunka added that there are 26 spots required for the building. Mr. Lobosco said that is for office space; that professional space is 250 feet. Mr. Brendle asked what the building is used for currently. Mr. Sullivan stated there is a chiropractor and 3 offices. Mr. Tangeman commented that he counted 35 plus 2 handicap spaces; some of which were occupied by 2 trolleys. Mr. Sullivan stated occasionally trolleys do park there.

Mr. Cosgrove asked Mr. Merunka to describe the outside patio area. Mr. Merunka stated a 3 foot brick wall with an iron rail on top is being proposed. Mr. Merunka stated A-2 is a rendering of the initial concept which was prepared by Rice and Brown Architects in 2016. Mr. Merunka stated that they are proposing pushing the front wall 13 feet inside the paved area. Mr. Merunka added that the wall will run from the end of the building to the existing side entry and walkway on 71. Mr. Merunka added that that entry will not be blocked. Mr. Quinn asked if there would be pillars for protection. Mr. Merunka stated that there will be landscaping in front of the wall. He added that something can be added for protection. Mr. Cosgrove stated applicant would agree to amend their plans to include some type of protection in front of the wall.

Mr. Cosgrove asked Mr. Merunka to address the proposed surface in the front yard and outdoor seating area and how the trench drain would work. Mr. Merunka stated that currently it is all stone. Mr. Merunka stated there will be pavers in the patio area. Mr. Merunka stated that there will be a stone surface in front of the wall. Mr. Merunka said a trench drain will tie into an underground recharge system that will handle increased runoff from

the increased impervious area. Chairman Pearsall asked Mr. Lobosco if that would be the drywell. Mr. Lobosco said yes.

Mr. Merunka added that decorative lights similar to what the town requires along the front of 71 will be added on top of the wall. Mr. Nolan asked if the lights will always be on or on timers. Mr. Cosgrove stated they can be put on timers during outside dining hours.

Mr. Martin asked if the outside seating is for dining only; not to take drinks outside. Mr. Cosgrove said yes. Mr. Cosgrove added that the outside area is not intended to increase occupancy; it is for dining.

Mr. Cosgrove asked Mr. Merunka to describe the existing parking. Mr. Merunka stated currently there are 30 parking spaces inside the lot; 21 of them are within the property line. Mr. Merunka added that a lot of the existing spots are 9 by 18 not the required 10 by 20. Mr. Merunka stated if they increased parking spots, the nonconformity would be made worse.

Mr. Cosgrove asked Mr. Merunka to describe the proposed 600 Warren Avenue parking with relation to overall parking. Mr. Merunka stated that parking can be increased by 13 spots by including parking at 600 Warren Avenue. Mr. Merunka added that there would be one way access in off of Mercer and two-way between Mercer and the existing parking lot. Mr. Nolan asked if that includes the existing house to the east of the Tap House. Mr. Merunka stated that was an option that was originally looked at and that would have added 13 parking spaces. Mr. Brendle asked if there is handicap parking on the property. Mr. Merunka stated the handicap parking is in the right-of-way going up to the doorway. Mr. Brendle asked if there is a way to get more than 13 spots and get the handicap parking on the property by using the lot to the east. Mr. Merunka stated that they looked at the 2 lots combined. Mr. Cosgrove stated that is not part of the current application. Mr. Cosgrove added that it would provide more parking, but applicant felt neighbors may not like the aesthetics of that. Mr. Merunka added that if they did that, lot coverage would be increased. Mr. Quinn asked what percentage would lot coverage be increased. Mr. Merunka stated close to 87. Mr. Brendle stated from 85 to 87 so 2%.

Mr. Martin commented that he does not think people would park at 600 Warren Avenue. Mr. Merunka stated that 600 Warren Avenue would be for employees only. Mr. Tangeman asked how many employees currently park in the existing lot. Mr. Cosgrove stated the traffic engineer can answer that. Mr. Sullivan stated approximately 10 to 12. Mr. Tangeman stated you cannot require employees to park in the lot at 600 Warren Avenue.

Mr. Cosgrove asked Mr. Merunka why the variances for amount of parking spaces; lot coverage and height of the wall fence should be granted. Mr. Merunka stated that under a C-1 variance the existing lot is slightly undersized at 17,000 feet. Mr. Merunka added that part of the existing parking area is in the right-of-way. Mr. Merunka added that the lot is already developed.

Mr. Cosgrove asked Mr. Merunka to describe the storm water runoff, the proposed trench drain and the drywell seepage pit. Mr. Merunka stated that runoff would be taken from the front half of the building that drains to 71 and the new paver area. Mr. Merunka added that will account for part of what exists and the increase in impervious coverage. Chairman Pearsall asked Mr. Lobosco if that is sufficient. Mr. Lobosco stated it is sufficient for the patio.

Mr. Cosgrove asked Mr. Merunka to address the existing parking lot design standards and deficiencies. Mr. Merunka stated that existing deficiencies, setbacks from property lines and parking space sizes were looked at. Mr. Merunka stated that if they were brought into conformance, it would reduce the existing amount and size of parking stalls so by trying to reduce the nonconformities it would make the parking worse than it is.

Mr. Merunka stated that there is a dumpster for recyclables and storage of used kegs. The back corner of the lot has one dumpster that is open. Mr. Merunka stated if that area was enclosed with a fence, it would be too close to the dumpster and it would hit the fence when it was picked up and dropped. Mr. Merunka added that if they relocate the dumpster on the site, it would take away existing parking spaces. Mr. Merunka stated that currently there is no off street loading. Mr. Merunka added that deliveries are usually during off hours when there are no cars in the parking lot.

Mr. Cosgrove asked Mr. Merunka about lighting in the parking lot. Mr. Merunka stated currently in the back corner of the lot it was measured at .5 foot candle. Mr. Merunka said that in the back of the building there are 3 high powered led lights. Mr. Merunka stated that there is a utility pole in the middle of the lot with a spotlight which lights the parking lot. Chairman Pearsall asked if the lighting on that side of the building will remain the same. Mr. Merunka stated yes; the improvements would be on the 71 side where the patio will be.

Chairman Pearsall asked about the wall. Mr. Merunka stated that it is a 3 foot wall with a 1 foot iron rail on top of it. Chairman Pearsall asked Mr. Lobosco if the 3 foot wall is within guidelines. Mr. Lobosco stated this is

approximately 4 feet; it should be 3 feet so a variance would be needed. Mr. Tangeman asked how close the fence in the patio area is to the street. Mr. Merunka stated approximately 20 feet. Mr. Merunka added it is 15 feet to the existing sidewalk and that 4 feet of the sidewalk is on the property.

Mr. Nolan asked how far back the B-2 zone goes down the street. Mr. Lobosco stated one lot. Mr. Lobosco asked if that house is occupied right now. Mr. Sullivan stated no. Mr. Lobosco asked if applicant had considered putting employee parking on that lot. Mr. Sullivan stated if that was being considered, yes.

Mr. Quinn asked if the 53 spots included 13 spots on the new property, 30 existing through the right-of-way on the current property and 10 at Warren Avenue. Mr. Brendle asked if the 53 spaces include spots for the new patio seating area. Mr. Merunka stated yes; 52 are required with the new patio area. Mr. Tangeman asked to go over the number of spots again. Mr. Merunka stated currently there are 30; 21 on the property and 9 in the right-of-way. Mr. Merunka added that there are 15 on Warren. Mr. Tangeman stated he noted there are 10 spots on Warren Ave. Mr. Tangeman asked how use is determined. Mr. Lobosco stated that currently there is some office space and some professional space and that can change. Mr. Brendle asked how wide the adjacent property is. Mr. Merunka stated 50 by 150. Mr. Brendle asked to get 12 or 13 spaces there, how much width is required. Mr. Merunka stated it would be the entire site, plus 3 foot for a buffer. Mr. Lobosco added that the buffer is more between residential and commercial. Mr. Brendle stated there could still be some green between the neighbor and the parking lot. Mr. Merunka stated a variance would then be needed for the buffer area. Mr. Lobosco asked if both lots were paved, would it be paved through both lots with no curb. Mr. Merunka stated yes. Mr. Lobosco added that there are currently no plans showing that.

Mr. Waitzel asked if a parking area is acceptable in a B-2 zone without a building. Mr. Lobosco said yes. Mr. Nolan asked if parking is based on seats or square footage. Mr. Lobosco stated it is based on bar and restaurant seats. Mr. Martin clarified that if the patio is approved, 52 parking spots are needed. Mr. Merunka agreed. Mr. Lobosco agreed.

Chairman Pearsall asked why the lot with the house on Mercer Avenue is not included as part of the application. Mr. Cosgrove stated that the last time the applicant was before the board, parking was an overriding concern and they thought the aesthetic of the house may be preferable to a parking lot for neighbors. Mr. Cosgrove added that they could submit an amended application to include the lot if the feedback is that that is something that is wanted. Chairman Pearsall asked what the house would be used for if it was not knocked down for parking and was used as a buffer. Mr. Cosgrove stated it could be used the same as any residential home in Spring Lake Heights.

Mr. Tangeman asked how the number of diners will not be increased; would applicant turn people away. Mr. Cosgrove stated yes. Mr. Cosgrove added that will be covered in the testimony of the principals.

Mr. Cosgrove asked Mr. Merunka to describe design standards along Route 71. Mr. Merunka stated that as opposed to 2 street lights that are required, they are proposing adding lights on the top of the wall. Mr. Merunka added that benches on 71 are not shown in the design, but if the board wishes, they can be added. Chairman Pearsall asked where they would be located. Mr. Merunka stated however the board wants. Mr. Merunka stated the ordinance requires 2 on frontage on 71. Mr. Merunka stated there are currently 2 at the monument business on 71. Mr. Lobosco stated it is a new ordinance. Mr. Cosgrove stated they will comply with however the board directs regarding the benches.

Chairman Pearsall asked the dimensions of the new area outside the patio. Mr. Merunka stated that inside the wall, the sitting area of the patio is 13 by 54 with a 1 foot thick wall. Chairman Pearsall asked if that is the length of the building. Mr. Merunka stated no; the patio area stops where the existing emergency exit and side door to 71 is. He stated the emergency exit will not be touched; there will be new double doors to go out to the patio area with gates to exit the patio area. Mr. Brendle asked if the double doors are fire doors. Mr. Sullivan said no.

Mr. Martin asked how far it is from the wall to the sidewalk. Mr. Merunka stated 15 feet.

Chairman Pearsall asked if there was anything else from the board.

On a motion by Mr. Martin; seconded by Mr. Waitzel, the voice of the public was open for questions of the witness Mr. Merunka

Roll call taken as follows:

All in favor

None opposed

None abstained

Mr. Kitrick stated there is no need for the public to be sworn since they are asking questions of the witness; not commenting on the application.

Dan Waters – 7 Warren Court asked how many parking spots exist and how many are proposed at 600 Warren Avenue. Mr. Merunka stated there are 41 parking spots; so there are 15 extra spots not being used. Mr. Cosgrove added that additional spots are not being created; they are dedicating spots for the Tap House's employees. Mr. Waters asked how it will be configured; that there are now busses illegally parked that take up spaces. Mr. Cosgrove stated if the application is approved, the busses will be removed. Mr. Waters asked how the discrepancy in the number of tenants can be resolved. Mr. Cosgrove stated that the principals can testify to that. Mr. Waters asked Mr. Merunka if the 41 parking spaces that were counted include the 4 or 5 spaces on the front side of the property. Mr. Merunka said yes. Mr. Waters stated he has counted 38 spots; Mr. Tangeman has counted 37. Mr. Waters asked if handicap spots are counted in the total. Mr. Lobosco stated there are 41 spots including handicap spots. Mr. Waters stated plus the busses take up to 5 spaces. Mr. Kitrick stated that this portion of the application is for questions of the witness; not comments. Mr. Nolan asked Mr. Waters where he lives. Mr. Waters stated in the second house next to 600 Warren Avenue in the condos.

Andrew Dubin – 6 Warren Court asked how safety would be addressed for employees walking to their cars from the Tap House. Mr. Cosgrove stated they do not believe employees would feel unsafe walking to their cars. Mr. Cosgrove added at this point, they have not addressed safety. Mr. Dubin stated the police should be involved in the hearing process. Mr. Kitrick reminded the public that this time was for questions of the witness; that comments would be made under oath at a later point in the application.

Mr. Dubin asked how noise at 2:00 in the morning would be handled when 12 or 13 people are making noise in the street. Mr. Cosgrove stated they do not feel noise will be a problem. Mr. Dubin asked if liquor will be served in the outside area. Mr. Cosgrove stated with dining, yes. Mr. Cosgrove stated the owners will discuss operating hours. Mr. Cosgrove stated there will not be a bar in the outside dining area. Mr. Merunka added that when the food area closes, the outdoor patio would close. Mr. Dubin asked who will enforce people not walking out to the patio with drinks from the bar area. Mr. Dubin asked if this is the best thing for Spring Lake Heights. Mr. Dubin asked if the engineer read the zoning ordinance and how this will affect his property values. Mr. Merunka stated that he looked at the ordinance and there is no specific restriction against outdoor dining. Mr. Dubin asked if he sells his condo that is adjacent to an employee parking lot, how that will enhance the resale value of his home.

Madeline Murray – The Arbors 550 Warren Avenue asked if 6th Avenue would be an entrance or an exit to the parking area. Mr. Merunka stated they are not proposing a change; they will use the current parking flow. Ms. Murray stated it is a change.

Carol Keller – 558 Mercer Avenue asked how the property at 600 Warren Avenue is connected with the Tap House and if the parking can change in the future. Mr. Cosgrove stated they are the same principal owners. He added that if the application is approved, there could be a deed restriction or lease or form required by the board.

Chairman Pearsall asked if there were any further questions.

Mr. Tangeman asked if Mr. Merunka had stated there were no restrictions on outdoor dining. Mr. Merunka stated they had looked at the ordinance and did not see anything. Mr. Tangeman stated the zoning denial stated outdoor dining is not a permitted use.

Mr. Lobosco stated that the ordinance does not say that outside dining is not permitted. He added that the planner had checked as well. Mr. Tangeman asked if outdoor dining is listed as a permitted use or is that included under dining. Mr. Lobosco stated it does not state that. Mr. Lobosco added that outdoor dining is not on the list of prohibited uses. Mr. Tangeman asked if there is a list of prohibited uses or only allowed uses. Mr. Lobosco stated there is a list of prohibited uses and outside dining is not on it. Mr. Brendle asked if there is a list of permitted uses. Mr. Lobosco stated yes. Mr. Tangeman stated if a use is not on the permitted list, then it is not permitted. On a motion by Mr. Martin; seconded by Mr. Quinn the voice of the public was closed.

Roll call taken as follows:

All in Favor

None opposed

None abstain

Mr. Cosgrove requested a break

A brief break was taken.

Mr. Cosgrove asked Mr. Cornelius Durkin to tell the board about the proposed outdoor dining. Mr. Durkin stated applicant had been before the board 3 years ago. Since that time, they have acquired 600 Warren Avenue. They also acquired the house next door to the Tap House on Mercer Avenue with the idea of knocking down the house and making it a parking lot. Mr. Durkin stated that the Mercer Avenue property is not part of the application. Mr. Durkin added that he felt that neighbors may prefer not knocking the house on Mercer Avenue down.

Mr. Durkin stated that May through October would be the time for outside dining; that vacationers do not drive during those months and there is less of a need for parking than in the winter months. Mr. Durkin stated that outdoor dining is a trend in the shore area; his dining business in the summer months has slowed as a result of not having it. Mr. Durkin stated the last seating for outside dining would be at 10:00 and everybody would be inside by 11; everyone would then be inside. Mr. Cosgrove asked if alcohol would be allowed outside if someone is not having a meal. Mr. Durkin stated no. Mr. Cosgrove asked how many tables would be outside. Mr. Sullivan stated 10 to 12. Mr. Durkin added that most people bike or uber or taxi or walk, sometimes from Doolans, so less parking is necessary during the outside dining months. Mr. Cosgrove asked about lighting. Mr. Durkin stated there is a sidewalk where people walk from Doolans to the Tap House, especially from weddings along the sidewalk so lighting would be helpful for them. Mr. Durkin added that a timer can be put on to 2:00 Mr. Durkin added that there is no neighbor affected by lighting on 71.

Mr. Cosgrove asked Mr. Durkin how employees would use the parking at 600 Warren Avenue and if many are local. Mr. Durkin said that most employees are local. Mr. Durkin added that those employees can be required to park on Warren Avenue as part of an employment agreement. Mr. Durkin added that some employees currently park there. Mr. Cosgrove asked if applicant feels there will be any safety or noise issue. Mr. Durkin stated no. Mr. Cosgrove asked Mr. Durkin if the board wanted the neighboring lot incorporated into the parking lot would they consider that. Mr. Durkin said yes.

Mr. Nolan asked how many days would outdoor dining be operating. Mr. Durkin stated he did not calculate it; it would vary on weather and days of the week. Mr. Martin asked where furniture from the outside dining would be stored in the off season. Mr. Durkin stated in the back or basement. Mr. Durkin added the proposed area is more appealing than what currently exists. Mr. Martin asked if there would be outdoor service from mid-October to April. Mr. Durkin said no. Mr. Brendle asked if there was a cover such as awnings over the patio or just umbrellas in the plan. Mr. Durkin said yes, umbrellas.

Mr. Tangeman asked why parking is used more in the winter than in the summer. Mr. Durkin stated people do not drive; more people bike, uber or walk. Mr. Cosgrove asked where ubers come in and out. Mr. Durkin stated there is an area at a curb in the front that does not block Mercer Avenue where they pull up. Mr. Quinn asked if that was the reason for the traffic study being done in the winter; that more parking is required. Mr. Durkin said yes. Mr. Nolan asked where the spaces at the front at 600 Warren Avenue face. Mr. Durkin stated there are 4 spaces that face 6th Avenue. Mr. Nolan asked if they are the furthest away from the townhouses on Warren Court. Mr. Durkin said yes. Mr. Nolan asked if employees can be required to park on that end to lessen late night noise. Mr. Durkin said yes.

On a motion by Mr. Quinn; seconded by Mr. Waitzel the voice of the public was open.

Roll call taken as follows:

All in favor

None opposed

None abstained

Kathy Mains – 603 Warren Avenue stated that she has observed that both sides of Mercer Avenue is full of cars, as well as Warren Avenue and the parking lot at Tap House in the summer; how do they know there is less parking in the summer. Mr. Durkin stated he has not seen that in the summer months. Mr. Durkin stated some of it may be due to people who live there. Ms. Mains stated that they have driveways. Mr. Brendle stated it could be people who live on Mercer. Ms. Mains added the restaurant smells. Ms. Mains stated she does not think that it is residents that park on the street.

Carol Keller – 558 Mercer Avenue asked why the traffic study was done between 5 and 10 p.m. Mr. Durkin stated that is their peak hours and is the busiest time for parking in the area. Mr. Cosgrove stated a traffic expert will testify at the next meeting. Ms. Keller asked what time the last patio seating would be. Mr. Durkin stated 10:00. Ms. Keller stated the noise ordinance is 10 so maybe 9:00 should be considered for the close of outside dining. Mr. Durkin stated that can be worked out Mr. Nolan asked if the board can restrict the hours of outside

dining. Mr. Lobosco stated it is 10:00 in the noise ordinance. Chairman Pearsall stated that is something that can be worked out with applicant. Mr. Kitrick stated they would have to comply with the noise ordinance. June Labaj – 1 Warren Court asked what will stop patrons and other people from parking on Warren Avenue. Mr. Durkin stated he does not think patrons would park there and walk that far. He added it would be hard to police but there could be signs designating it is for Tap House staff only.

Dan Waters – 7 Warren Court asked how many people will be at the 10-12 tables. Mr. Sullivan stated that 10 to 12 tables are being proposed. Mr. Waters asked if that means 12 or more additional cars could be parking. Mr. Sullivan stated 12 employees would be on Warren Avenue. Mr. Waters asked if valet parking was being considered for overflow parking. Mr. Cosgrove stated that is not part of the application. Mr. Waters asked how the overflow parking mentioned in the notice would be controlled. Mr. Kitrick stated there are conditions for approval that can be considered which can say for employee parking. Mr. Waters asked how diners would know at the time of outside seating ending they have to leave outside and how it will be controlled. Mr. Durkin stated patrons would be directed to go inside if they chose to finish their meal or have drinks. Mr. Waters asked where food and drinks will be brought out. Mr. Durkin stated servers will be coming through the proposed set of doors shown on the plan.

Larry Mains – 603 Warren asked if there would be outdoor entertainment. Mr. Durkin said no. Mr. Sullivan said no.

Chairman Pearsall asked if it would be out of order to see what the public felt about the property on Mercer Avenue. Chairman Pearsall added that the applicant may like an idea of what the public feels.

Mr. Kitrick stated it is out of order, but that does not mean it cannot be done. Mr. Kitrick stated it may be better to wait until the end of the application so that overall public comment will not be limited. Mr. Kitrick added that at the end of the application people should be able to comment on the entire application.

Chairman Pearsall asked Mr. Durkin if he would like to hear from the neighbors. Mr. Durkin said yes.

Chairman Pearsall suggested hearing from how people who live in the area on Mercer Avenue felt on Mercer Avenue being used as parking lot or if they would like it to remain a residential house. Mr. Kitrick clarified it would only be on how the public feels about Mercer Avenue being used as a parking lot. Chairman Pearsall said yes. Mr. Kitrick stated if it can be limited to that.

Mr. Tangeman stated asked if it is okay to discuss something that is not on the plans. Mr. Tangeman added that Warren Avenue parking is being proposed, not parking on the lot. Mr. Kitrick stated if the board is trying to determine if the board is specific in its discussion.

On a motion by Mr. Brendle, the voice of the public was open to address the lot adjacent to the parking lot and if the lot is better served as a parking lot or a house; seconded by Mr. Waitzel

In favor: Mr. Brendle; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Martin; Chairman Pearsall

Opposed: Mr. Tangeman

None abstain

Donna Stark – 612 Sussex Avenue sworn by Mr. Kitrick stated she lives closest to the lot on Mercer Avenue behind the Tap House. She also stated she lives by Wintron and Doolans. She prefers for the house to remain. Mr. Quinn asked if cars park in front of her house. Ms. Stark stated yes. She added that Wintron is adjacent to her home and cars park next door to them in that lot as well.

Carol Keller – 558 Mercer Avenue sworn by Mr. Kitrick stated she is concerned that neighbors that live on the end of Mercer closer to the Tap House are not present at the meeting since the property on Mercer was not in the application. Ms. Keller added some of them are shut-ins. Mr. Cosgrove stated those people were noticed of the application as it is now. If they do include the lot, the application would be amended.

On a motion by Mr. Martin; seconded by Mr. Brendle the voice of the public was closed.

Roll call taken as follows:

All in favor

None opposed

None abstained

Chairman Pearsall stated the hearing is adjourned; the application will be on the next meeting agenda. Chairman Pearsall added that people can comment at the end of the application.

Mr. Cosgrove stated depending on the feelings of the board and the neighbors, if the board does not want the adjacent lot included in an application as a parking lot, they would go to a vote tonight. If the board does want the lot improved, they will revise the application. Mr. Cosgrove asked if the board had any input.

Mr. Quinn stated he would like to hear from the traffic expert. Mr. Brendle agreed. Mr. Lobosco stated it would help to see the parking lot plan. Mr. Martin stated he prefers to have the complete testimony before deciding.

Mr. Cosgrove stated they would like to adjourn and carry to the March 28 meeting.

Mr. Kitrick stated they are carrying to the March 28 meeting; they are not required to give further notice.

Ms. Jean Herrington – The Arbors 550 Warren Avenue asked if 600 Warren Avenue is still being considered for employee parking if the house is taken down on Mercer. Mr. Durkin stated as of now the application is for Warren Avenue.

Adjournment: On a motion by Mr. Tangeman and seconded by Mr. Quinn the meeting was adjourned without objection at 9:20 p.m.

Submitted And Approved:

May Ella Karamess

Date: March 28, 2019