

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES  
March 8, 2007  
Special Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:33 p.m. with the reading of the legal notice and Pledge of Allegiance.

**ROLL CALL**

Present: Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner. Alternate: David Volpe. Chairman: Michael Tfank. Board Attorney: Bryant Gonzalez, Esq. Planning Director: William Drew, P.P.

Absent: James O'Bryant, Leslie Tallaksen, Philip Weisbecker. Alternate: Thomas Harraka. Consulting Engineer: Robert Kirkpatrick, P.E.

Chairman appointed Mr. Volpe to sit for Mr. Weisbecker.

**PUBLIC PORTION**

No one wished to speak.

**APPLICATIONS**

**PIONEER BAR & GRILL, INC.**

**Preliminary & Final Site Plan #0620-0270AB**

Block 2801; Lot 2

350 Warwick Turnpike, NC Zone

Preliminary and final site plan approval in connection with the reopening of a bar and restaurant.

COMPLETE: 01-08-07

DEADLINE: 05-22-07

The applicant was represented by John Barbarula, Esq., Barbarula & Associates, 1242 Route 23 North, Butler, NJ

Appearing on behalf of the applicant to provide engineering testimony with respect to the plans submitted was Claude Ballester, P.E., Ballester & Associates, Inc., 1811 Union Valley Road, West Milford, NJ. Mr. Ballester indicated that the intent of the application was to upgrade an existing Bar and Tavern at the subject property. In this regard, the applicant was seeking to upgrade the site and improve traffic and parking so that it could re-use the existing building on the subject property as a Bar and Tavern. He noted that sight distance on the subject property was not great due to an existing building on an adjacent lot. The applicant, however, was proposing to widen a proposed driveway as well as provide a loading area to improve ingress and egress to Warwick Turnpike. Mr. Ballester then reviewed the report submitted by the Board Engineer, Robert C. Kirkpatrick, P.E., dated January 9, 2007 and revised January 18, 2007. He also reviewed with the Board the Board Engineer's report dated December 28, 2006. Mr. Ballester indicated that the applicant would be able to comply with all terms and conditions of the Board Engineer's reports and specifically would provide the Board with sealed copies of the topographic survey prepared by Frank Bednarik, P.L.S. as well as the boundary survey prepared by Michael J. Barry, P.L.S.

Mr. Ballester then indicated that the applicant would accommodate the road profiles to be provided by the Township Engineer to take into account proposed changes along Warwick Turnpike by the County and Township. Her further reiterated that the applicant could not do anything to improve sight distance as it did not own Lot 1, Block 2801, which was a corner lot adjacent to the subject property.

With respect to stormwater management, Mr. Ballester indicated that the applicant was not proposing any increase in runoff and therefore no improvements to stormwater management were proposed with this development. In this regard, he noted that the applicant was not providing additional pavement or structure that would require additional stormwater management measures to be taken. Mr. Ballester indicated that this specific testimony was in response to the Board Engineer's request for testimony regarding the quality and quantity of stormwater management on the subject property.

With respect to compliance with checklist items noted in the Board Engineer's report, Mr. Ballester indicated that the applicant would agree to comply with checklist items yet to be fulfilled as conditions of approval.

With respect to access to the subject property, Mr. Ballester noted that the applicant would enter into a cross easement with the owner of adjacent Lot 1 in Block 2801. In this regard, Mr. Barbarula introduced into evidence Exhibits marked "A" and "B," which he indicated were proposed easements for access between the owners of the subject property and Lot 1 of Block 2801. Mr. Ballester then testified that the applicant was revising the parking on the subject property and as such from an original twenty-two (22) parking spaces utilized for the bar and tavern there would be fifteen (15) spaces, which satisfied the ordinance requirement of eleven (11) spaces. Mr. Ballester explained that the applicant eliminated certain parking spaces which encroached upon adjacent Lot 1 of Block 2801 and the applicant at the time of the hearing could successfully negotiate an easement for parking with the owner of Lot 1 Block 2801.

The Board Planner then had questions with respect to the ability of the applicant to provide sufficient parking for the proposed bar and tavern use given the reduction of parking spaces.

Mr. Ballester then provided the Board with architectural plans prepared by Thomas Hitchens, A.I.A., which demonstrated forty-four (44) seats would be utilized inside the bar and tavern. The architectural plans he indicated were not part of the submission requirements for preliminary and final site plan approval but rather for the Health Department's review and approval but were being submitted to the Board so that it would have a better understanding of the layout proposed for the new bar and grill as well as how the applicant was providing sufficient parking for the subject property.

Mr. Ballester further testified that septic system approval would be conducted by the Health Department and he believed that the present septic system was suitable for the proposed use.

The Board next heard from an Officer of the applicant, Raymond C. Taylor, who indicated that the applicant was intending on maintaining a fence that was located between the existing buildings on Lots 1 and 2 in Block 2801. He further remarked that the applicant was agreeable to making the fence more aesthetic and that the choice of fence would be made in consultation with the Board Planner. He lastly indicated that the applicant's intent was to stay within the boundaries of the subject property with regard to its proposed development.

The Board Planner, William H. Drew, was then sworn and questioned the applicant's installation of Belgium block curbing. Mr. Ballester responded that installation of curbing would need to be coordinated with the Township Engineer given the fact that the Township and the County were looking to make changes to the County road that front the subject property. It made no sense he noted for the applicant to not coordinate its efforts as these outside agencies could require the applicant to tear up any improvements installed prior to their taking action to install County and/or Township improvements.

The Board then reviewed the report of the Board Planner dated January 19, 2007. The Board Planner noted that the applicant was seeking preliminary and site plan approval to make site improvement modifications to an existing commercial property located along the northerly side of Warwick Turnpike, east of its intersection with Lake Shore Drive in the NC Zone. Modifications to the site were intended to address improved vehicular safety entering the site along Warwick Turnpike and exiting the site along Lake Shore Drive. No variance request was associated with the application. The Board Planner noted that the subject property had been the location of various restaurant and bar businesses over the years with the last establishment operating under the business name of Lynda's Place. The applicant was proposing to re-open a bar and grill business in the existing building and in this respect was proposing site improvements to the existing driveway, parking area, lighting and landscaping.

Mr. Drew further noted that access to the property currently exists along Warwick Turnpike, but was not delineated. A paved parking area currently exists along the frontage of the property extending from the easterly side property line to the existing building. The Board Planner noted that the applicant's proposal was to remove this paved area and install Belgium block curbing along the Warwick Turnpike property frontage. A 25-foot wide entrance only driveway would be constructed from Warwick Turnpike into the site. All parking for this facility would be located behind the existing building on the subject property and would have an ingress and egress driveway from Lake Shore Drive. The ingress and egress on Lake Shore Drive was indicated to be a 30-foot width and would be paved from Lake Shore Drive into the parking area. The parking area itself he noted was existing gravel, which would be maintained and improved by the applicant. Concrete curb stops would be provided to define the edge of the parking lot and help to define the parking spaces.

In terms of landscaping, the landscaping plans provided by the applicant indicated that landscaping would be provided in place of the removed pavement. In this regard, a hedgerow consisting of Burning Bush shrubbery would be planted along the frontage of the subject property in front of the proposed paved fire and loading zone. Two (2) landscaped areas would also be provided along either side of the driveway accessing Lake Shore Drive with the relocation of some existing landscaping to this area and the planting of additional forsythia bushes.

With respect to lighting, the Board Planner noticed that the applicant was proposing Hadco Architectural Outdoor Lighting Fixtures and that this style of fixture was acceptable but that the applicant needed to explain whether shielding of the light was going to be necessary. In this regard, the Board Attorney inquired as to whether the applicant would be in compliance with the foot-candle requirement of the ordinance. Mr. Ballester responded that the foot-candle for the proposed lighting would be below the ordinance standard and as such he did not believe that shielding of the light fixtures was necessary.

The Board Planner then noted that a proposed concrete dumpster pad was proposed to be screened with a 6-foot-high wood and vinyl slatted fence.

The Board Planner next remarked that the submitted floor plans indicated seventy-one (71) occupants could be allowed inside the bar and on the outside deck. Mr. Ballester responded that these plans were incorrect and that the revised plans depicting seating for forty-four (44) persons was the actual count. The applicant then clarified the situation with respect to the ownership of Lots 1 and 2 in Block 2801. In this regard, Mr. Taylor indicated that the applicant owned Lot 2 of Block 2801 and Lot 1 was owned by Anjo Associates, L.L.C. As such, there was nothing that the applicant could do about improving sight distance from the subject property.

In terms of the sequencing of the proposed improvement and time frame for installation, Mr. Barbarula indicated that the applicant would seek to undertake the improvements proposed as soon as it was able to obtain a building permit.

