

**MINUTES OF THE ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
BOROUGH OF ORADELL
HELD REMOTELY UTILIZING “ZOOM”
APRIL 19, 2021**

Chairman Michelman called the Zoning Board of Adjustment meeting to order at 7:30 p.m. Notice of this meeting was published in the official newspapers, prominently posted in the Borough Hall, and filed with the clerk in accordance with the requirements of the Open Public Meetings Act.

ROLL CALL:

Present: Mr. Michelman, Mrs. Cobb, Mrs. McGrinder, Mr. McHale, Mr. Barrows Mr. Degheri, Mr. Santaniello, Ms. Odynski, Mr. Bartlett

Also Present: Mr. Regan, Esq.
Mr. Atkinson, Board Engineer
Ms. Reiter, Board Planner
Mr. Depken, Zoning Administrator

Correspondence

- a. NJ Municipalities magazine March 2021 – (Chairman only)
- b. NJ Planner January / February 2021, VOL. 82, No.1
- c. 4/6/2021 - Letter to Stephen Depken, Zoning Office from the Law Offices of Colin M. Quinn, LLC. for 304 Kinderkamack Rd. – Block 1202, Lot 18 – 302-308 Kinderkamack Road, LLC. – Regarding the submission of Applicant’s Architectural Plans, prepared by Garrett Singer Architecture and Design, dated June 13, 2020; revised November 4, 2020, revised February 3, 2021, revised April 5, 2021, 18 pages; and Exterior Architectural Rendering of the project, prepared by Garrett Singer Architecture and Design, dated November 4, 2020, revised February 4, 2021, revised April 2, 2021, 11 pages.
- d. 4/6/2021 - Architectural Plans, prepared by Garrett Singer Architecture and Design, dated June 13, 2020; revised November 4, 2020, revised February 3, 2021, revised April 5, 2021, 18 pages.
- e. 4/6/2021 - Exterior Architectural Rendering of the project, prepared by Garrett Singer Architecture and Design, dated November 4, 2020, revised February 4, 2021, revised April 2, 2021, 11 pages.
- f. 4/15/2021 - - Letter to Stephen Depken, Zoning Office from the Law Offices of Abrahamsen Grant, LLC, for 304 Kinderkamack Rd. – Block 1202, Lot 18 – 302-308 Kinderkamack Road, LLC. Regarding Richard J. Abrahamsen, Esq. representing an objector, Samuel Tripsas who is a resident in connection with the above referenced application.

Approval of Zoning Board Meeting Minute:

March 15, 2021, Minutes of Regular meeting

Mr. Michelman asked if the board members had any comments or edits for the minutes, hearing none, he asked for a motion to approve.

Motion to approve the March minutes made by Mr. Michelman, second by Mrs. Cobb.
All in favor.

Contract of Employment for Professional Planning Services:

To engage Darlene Green, P.P., AICP of Colliers Engineering & Design for conflict-of-interest fill-in to provide the Professional Services as directed by the Board regard CAL # 852-21, 505 Kinderkamack, LLC, 505-515 Kinderkamack Road – Block 708, Lots 18, 19.

Mr. Michelman stated that the board is in need of a conflict planner for an upcoming application for 505 Kinderkamack Road and this matter before the board is a contract to approve Darlene Green as the conflict planner for this application. He stated that Ms. Green was the conflict planner for this applicant's previous application to the board.

Motion to approve contract for Darlene Green as the conflict planner for 505 Kinderkamack Road made by Mr. Michelman, seconded by Mr. Degheri.
All in favor

Mr. Michelman explained the Zoning Board procedures and detailed the process the board goes through for hearings. He stated that it is not appropriate for anyone to lobby board members. He explained that he has been made aware that several emails have been sent to the zoning office indicating views in regards to this case and this is not appropriate. He stated that this is no more appropriate than discussing a current case with a juror in a court proceeding. He explained that the board acts in the nature of a court and its members act in the nature of a jury. He stated that all matters and comments need to be discussed at an open public meeting. He explained that any discussions must take place during the open public meeting. He detailed how the public would need to utilize the ZOOM webinar to raise their hands at the appropriate time in order to place on the record questions and comments.

Mr. Depken, Mr. Atkinson and Ms. Reiter were previously sworn in by Mr. Regan and remain under oath.

Applications

CAL. # 848-20
Block 1202, Lot 18

304 Kinderkamack Road, LLC
302-308 Kinderkamack Road

CONTINUED

The attorney for the application, Mr. Quinn stated that he has the architect for the project, Garrett Singer as a witness this evening to present his plans and go over the architectural drawings. He explained that in December their original submission included the site plan; architectural plan; architectural renderings and the initial planning report and asked that these original documents be identified and marked into evidence as A1. He stated that there was a second set of architectural renderings and architectural plans submitted and asked that these be identified and marked into evidence. He explained that these were all prior submittals and wanted them marked appropriately. He stated that the prior architectural renderings be marked as A20 and the

prior architectural plans be marked as A21. Mr. Regan stated that the Neglia Engineering review letter would be marked as B1 and the Statile Planning review letter would be marked as B2.

Mr. Quinn explained that he would like to call the architect as his witness at this time. Mr. Regan swears in Mr. Singer as the professional architect witness. Mr. Quinn presents into evidence the architectural plans being discussed this evening and marked as A22. Mr. Michelman accepts Mr. Singer's qualifications as an expert witness. Mr. Singer detailed the features of the existing structure. He stated that this is a two-story building with two additions in the rear of the property, one being a single-story rear addition and the other being partially underground which contains an old bowling alley. He explained that there is an existing enclosed one-story porch. He detailed the existing layout of the basement and the mechanical room. He indicated the existing locations of the three crawlspaces under the structure. He stated that currently the basement is being utilized as storage. He detailed the existing conditions of the first story level of the building and the layout of the old Cool Beans coffee shop. He indicated the layout locations of the existing former hair salon and the existing current butcher shop tenant. He stated that the existing conditions of the inside of the structure is in disrepair, there is visible signs of water damage and sagging in the framing. He detailed the existing conditions and layout of the second floor of the building which had been being utilized as residential space. He stated that there is visible water damage on the second floor as well. He detailed the layout and existing conditions of the attic space. Mr. Quinn presented into evidence a photograph of the exterior front of the building and marked as A24. Mr. Singer stated that it is obvious from the photograph that there are areas of disrepair. He explained that the siding needs to be replaced and none of the windows are of energy code standard. He stated that there are structural issues over the former hair salon space. Mr. Singer detailed the exterior site plan of the property showing the front outdoor dining area, the handicap access lift, the widened walkway going to the rear of the building and the rear yard garden with planters. He indicated the location of the exterior garbage enclosure and access path from the proposed restaurant kitchen space. He stated that the enclosure would be powder coated aluminum with wood planking on the sides. He detailed the dimensions of the garbage enclosure and its doors on how to gain access inside the enclosure. He indicated the dimensions and look of the exterior planter boxes that would define the front outdoor eating area. He stated that these planters in the front would also give them an opportunity to install low light mood lighting for the outdoor dining area. He explained that the distance from the Borough tree planters on Kinderkamack Road to these planter box for the outdoor dining seating area is 4.5 feet. He stated that they had relocated the exterior handicap lift and discussed its new location. He detailed the proposed new layout of the basement space. He stated that there is an exit access to the garbage enclosure. He explained that there would be an employee area and restroom in the basement level. He detailed the proposed kitchen/preparation layout. He stated that the restaurant would feature a wood-burning pizza oven and there would be a station for the chef to prepare homemade dough. He explained that the farthest point of the old bowling alley location would be utilized for dry storage area. He detailed the locations of the walk-in cooler and walk-in freezer boxes. He stated that there was a strategic thought process to the layout of the refrigerator box locations. He explained that the refrigerator compressors would be located in the basement mechanical room rather than the exterior of the building. He stated that they are adding an elevator in the building which would access all three floors. He detailed the path and access for incoming deliveries for the restaurant's kitchen. He stated that there would be a closet area and lockers for employees'

personal items. He displayed a colorized layout of the basement space showing the yellow area as existing, the pink area as the new crawlspace and the green areas as the new added proposed additional spaces. He stated that 216 ft.² is proposed to be added to the basement level and that the existing basement is 2688 ft.². Mr. Quinn placed into evidence the colorized layout renderings and marked as A25. Mr. Singer detailed the layout of the proposed first level space of the restaurant. He stated that at the front exterior there are steps leading up to an outdoor covered porch that has some outdoor seating. He explained that there are eight seats on the covered porch area. He stated that the handicap lift would conform with all ADA requirements. He detailed the interior seating of the dining room area space. He indicated the bar area and discussed the seating layout near the bar and its access to the outdoor dining area. He stated at the end of the bar would be a pizza station, the pizza oven and double doors which would access the kitchen area. He detailed the layout of the kitchen space and the cooking line. He indicated the stairwell access from the kitchen area to enable individuals to go downstairs or upstairs. He stated that there is exterior access from the kitchen that would be for employees only. He explained that the garbage from the kitchen would be brought downstairs to be properly bagged and prepped to bring to the garbage enclosure area. He detailed the proposed layout for the restaurant's lady's and men's room bathroom facilities which would be ADA compliant. He stated that there is a common vestibule to then enter into either the lady's room or the men's room. He detailed the layout of the bathroom stalls and the ADA access. He stated that the interior ADA elevator lift faces the dining room area. He explained that all the windows would be brought up to the current energy code and would provide efficiency and noise cancellation. He displayed the colorized rendering of the first-floor space indicating the yellow areas as existing and the green areas as the new proposed addition for the first-floor level. He stated that the existing first floor area is 2930 ft.² and the proposed combined existing and new addition would be 3956 ft.². He explained that the new commercial kitchen was most of the add on to the first floor. He stated that the pizza station and the pizza prep area added to the size of the commercial kitchen space. He explained that they were not able to utilize the existing space for the commercial kitchen and the pizza concept without needing the addition. He stated that the existing kitchen does not meet the standards needed for a restaurant. He explained that the proposed rear building wall for the new addition is 50 feet to the rear yard setback. He detailed the proposed layout of the second-floor space. He discussed the progression of how they came to the design concept of the restaurant. He stated that originally the owners had considered keeping the residential use on the second floor but within further discussions they came up with a concept of utilizing the second floor for the restaurant. He explained that there is a proposed lounge area. He stated that there is a long center area to utilize for sitting which could also work for a private event space. He explained that the second floor with its layout does not work well for a one large event. He stated that side area could be utilized for corporate meetings or a gathering to watch a sporting event. He explained that this is not intended to be used as a wedding hall. He stated that when coming up the stairs from the first floor it opens up to a vestibule space with the corridor to the second-floor bathrooms. He explained that there is a living room style lounge connected to a second-floor bar area. He stated that the lounge could be utilized as a pre-function space. He explained that this could be an area utilized to serve cocktails and appetizers. He stated that the center dining area could also be used as relief space during this post pandemic time for socially distancing tables. He explained that the second floor could also be used for pre or post theater events. He stated that the intent for the second floor is for overflow. He explained that the restaurant has flexibility of putting families with children

upstairs on the second floor rather than inside the restaurant's main dining area on the first floor. He stated that the front façade has a double glass window. He explained that there would never be one singular event occurring at this restaurant and the first floor would always be utilized for regular general dining purposes. He stated that the interior center area of the second-floor dining is not meant to be utilized for one event and that there are a pair of doors to separate the interior center area. He explained that there is a food staging area on the second floor for when food is brought up from the kitchen. He stated that this is a food staging area for before the food is served and this area for employees only. He detailed the layout of the second-floor bathroom spaces and that there would be one bathroom that is handicap accessible. He indicated the access points for the exterior second floor outdoor deck. He stated that the windows and doors to the rear deck would provide ventilation and fresh air for the second-floor dining area and lounge. He explained that the deck gives the opportunity for individuals to walk out and get fresh air. He stated that all the exterior doors to the deck would be french doors and that there would be no sliding doors. He explained that the deck dimensions vary as it goes around the building and that there are 1 foot planter beds used as a buffer around the exterior portion of the deck. He explained that the deck is not laid out for any type of seating to be added onto it. He stated that there would be a 6 foot high buffer around the perimeter of the deck which would be a combination of a cedar fence system and arborvitae. He explained that the intent is to have a cedar fence and a green wall as a buffer to the residential area. He stated that the deck would be a wood looking product. He detailed the stairwell area and indicated that the second means of egress stairwell which goes from the second floor to the street is meant to be used for emergencies only.

Mr. Michelman stated that it is 9:00 PM and calls for a 10-minute break in the hearing.
Mr. Michelman reconvened the hearing at 9:10 PM.

Mr. Singer displayed the colorized rendering of the second floor indicating the yellow as existing floor space and the green as the new proposed addition. He stated that the total proposed new addition on the second floor is 1144 ft.². He detailed the front existing and the proposed façade elevation. He stated that the existing building is different structures that have been added over time. He explained that they had created a façade bump out that would complement the flat overhang of the butcher shop. He stated that the existing porch is being re-designed to have more of a traditional covered porch look. He explained that their design would clean up the existing front elevation space. He stated that the new signage would be pin letters off the siding. He explained that the signage illumination would come from micro sconces that would also create an interesting play on the texture of the building. He stated that his clients do not come from a restaurant background, they live in the area and their family lives within the area. He explained that the owners of the property wanted to give back to their family as a type of heritage. He stated that the clients finalized the name of ORA as an homage to the town. He detailed the illumination for the exterior signage. He stated that the design of the front façade of the building holds onto the character of a residential building. He displayed a landscape photograph that was taken from Google Street view of the dwellings to the left of the property on Kinderkamack Road. He detailed the similar types of elements that are in their proposed façade look of the building. Mr. Quinn presented into evidence the north streetscape photograph of the properties on Kinderkamack Road and marked as A26. Mr. Singer stated that they have not changed the existing roof or height of the building so that there is no height variance required.

He detailed the rear east elevation of the existing building and the proposed. He displayed 2 colorized photographs of the rear of the property. He detailed the existing conditions of the rear of the property and indicated the proposed features for the exterior façade and deck. He detailed the existing and proposed northern side façade. He stated that they will be adding more windows to the lower level of the north façade and that these windows will be where the lower-level dining room is. Mr. Quinn submitted into evidence the colorized pictures of the rear property and marked as A27. Mr. Singer detailed the existing and proposed southern elevations. He stated that the last pages of the architectural plans depict the egress through the building and its exit paths. He explained that the makeup air unit would be located in the attic of the building. He detailed the primary and secondary egress areas for cases of emergency. He stated that the building is not required to be sprinklered for their use, however the client will be installing a fully automatic sprinkler system. He explained that within the kitchen each set of equipment would have an overhead fire suppression system that is tied into a pull station. He stated that the gas and electric to the unit would be shut off when pulled and the hood system would disperse a powder. He explained that the restaurant would be built to the highest standard. He stated that the grease trap would comply with municipal and state requirements. He explained that the building would have a security alarm system. He stated that a generator is not required for the building, however the owner would be installing a generator in order to maintain the refrigeration of the produce goods and alcohol/wine. Mr. Quinn presented into evidence colorized architectural renderings and marked as A28. Mr. Singer stated that the purpose of this document is to show the character of the building. He explained that within the 3D modeling they added the Players Club so that you could see the new proposed restaurant next to the theater. He stated that the existing building, because of its color and shape, appears to belong to the theater. He explained that they wanted this restaurant to have its own identity. He stated that they went with a vertical board and batten style for the front façade to have a more residential feel. He detailed the proposed exterior lighting. He stated that in talks with the historical committee they had found an old photograph of the front of the butcher shop which showed a red façade on it and they wanted to bring this red back in order to add a little bit of color to the front of the building. He explained that the arborvitae buffer along the north side is where the windows to the dining room would be. He stated that there would be two rows of arborvitae and three rows of decorative trees and greenery at the rear of the property as a buffer to the residential zone. He detailed the planter beds to be installed in the rear of the property for the chef and employees to plant vegetables for the restaurant. He stated that there would be a wood fence around the perimeter of those planters. He explained that they tried to put their best foot forward to create a beautiful rear property in order to have something aesthetically pleasing for the surrounding neighbors. He displayed historical photographs of the Bergen County Players when the building was the original Oradell Fire Department. He stated that it was a barn type structure with a fire tower. He explained that both their building and the Playhouse were original barn type structures with wood type siding and gable features. He detailed Oradell's town history on how the town was formed and its mill town roots. He stated that the Borough's Master Plan introduced the use of brick when building new structures as the design standard in order to be consistent with the look of specific buildings within the downtown area. He explained that this area of Kinderkamack Road has more residential dwellings and their design ties into that look instead. He stated that the original library and the original fire house were wood structures not brick which their design ties into that historical design standard. Mr. Quinn presented into evidence the historical photographs depicting the Bergen County Players building

and the old Oradell Fire House and marked as A28. Mr. Singer summarized that the proposed restaurant's design aspect and materials are that of a modern progression of the wooden barn roots of the town. Mr. Michelman asked if the board professionals had any questions.

Mrs. Reiter stated that she has some concerns with respect to the deck on the second floor. She explained that even though they had indicated there would be no eating on the deck, there would certainly be people who will congregate out there which is a concern on the impact with the neighbors. She stated that they could open windows for fresh air without the need of deck. Mr. Singer explained that he does not believe opening windows would provide the same relief as walking out onto the deck. Mrs. Reiter stated that she took more of the testimony as to opening the area for ventilation into the dining room. She explained that the deck may provide an area for people to go outside to smoke. Mr. Singer stated that some people may smoke and some people may take a phone call. Mrs. Reiter explained that she has concerns that the deck will impact the neighbors. She asked if there was any consideration given to utilizing the space that is occupied by the butcher shop for the restaurant in order to not increase the square footage anymore. Mr. Singer stated that the intent is to allow the butcher shop to remain as long as they want and at some point, if they were to leave the applicant would take over the space to provide that same type of service. Mrs. Reiter asked if the butcher shop would be maintained as a butcher shop going forward. She stated that her question/comment was because they are adding a significant amount of additional square footage and asked if some of that expansion could have been done in the butcher shop location in order of reducing their variances and the FAR. Mr. Singer stated that maintaining the butcher shop is part of the plan for the applicant and if it was a different type of business such as a nail salon or something less significant than expanding into that space would have been a possible option. He explained that the applicant feels strongly about maintaining that space as a butcher shop. He stated that the addition is costly and most might consider using existing space to expand but rather the applicant intends to maintain the butcher shop use. Mrs. Reiter discussed the expansion on the second floor and that testimony indicated that it would not be used for a full event area but it would be used for the restaurant. Mr. Singer stated that restaurants all the time develop additional overflow space. He explained that this restaurant during the week would not be booked at 100% capacity and that potentially on the weekends there would be the overflow for the second-floor usage. Mrs. Reiter asked if there were any discussions on making the second floor smaller than what is proposed in light of the additional square footage in a way of reducing their variances. Mr. Singer stated that the investment of expanding the kitchen allowed them to explore the option of the addition on the second floor. He explained that they developed a capacity that the chef felt the restaurant could handle. He stated that this gives them the flexibility of adding more seating types. Mrs. Reiter explained that this is a sizable amount of additional square footage and asked if there were any discussions on how they could possibly scale this back some. Mr. Singer stated that there were never discussions on how to scale this project back. Mrs. Reiter detailed the section of the Master Plan that the applicant's attorney had cited in regards to the design standards for the use of brick as to incorporate the look of the Borough Hall, the Library and the Fire Department. Mr. Singer asked as a planner would brick be appropriate for this side of Kinderkamack Road. Mrs. Reiter stated that both brick and wood could be utilized depending upon the design. Mr. Singer explained that this area of Kinderkamack Road does not have the same design look as the other side and he felt that brick out of context and would not have been appropriate. Mrs. Reiter asked if this is because of the surrounding buildings connected near to this property. Mr. Singer

noted that the Master Plan made references to relief of the FAR in the Central Business District. Mrs. Reiter stated that there is a significant increase in the square footage of the building and there is an existing tenant which is proposed to stay. Mr. Singer explained that if the client had the availability to take back this space within the building, they would have but they had not wanted to take away something meaningful to the town. Mr. Atkinson stated that he has a question in regards to the elevation on the northside. He asked if the windows on the northside drawing are depicted properly. Mr. Singer stated that this matter was discussed with the Historical Committee on reducing the number of windows and they have since reduced them. He explained that every other set of windows has been removed and replaced with siding. Mr. Atkinson confirmed that the reduced number of windows on that northside. He asked what the total number of seats are for the restaurant. Mr. Singer stated the count for the total first floor is 123 seats and the count for the second floor is 125 seats resulting in a total of 248 seats for the entire restaurant. Mr. Atkinson asked if this count includes the outdoor seating. Mr. Singer stated yes. Mr. Atkinson asked for clarification on the rear planter beds and if there is going to be an enclosure or anything over the top of the planters. Mr. Singer stated that it is important for a garden to have a type of netting structure over it but that at the moment there is nothing proposed around it. Mr. Atkinson confirmed that as of now the garden area is open to the elements. He asked if there is a fence going around the planters. Mr. Singer stated that there is a primary fence going around the property and a secondary fence around the vegetable planters to conceal it a bit. Mr. Atkinson asked what the height is of that secondary fencing. Mr. Singer stated that the height is on the Engineer's Site Plan. Mr. Atkinson explained that the Architectural Plans are inconsistent from the Site Plan in regards to the plantings and their location. Mr. Singer stated that during Mr. Page's testimony it was indicated that more arborvitae in specific areas would be installed. Mr. Atkinson asked if the landscape plan designed by the Engineer would be the one that would govern for this project. Mr. Singer stated yes. Mr. Regan asked if they could confirm that there would be no light fixtures in the rear of the property. Mr. Singer stated that there are light fixtures but they are for egress and security purposes. He explained that there are no light fixtures on tall poles or within the backyard. He stated that there is some lighting at the exit areas and ground lighting to defined the walkway path. Mr. Regan asked if there would be any lighting on the exterior rear deck. Mr. Singer stated that since there are doors onto the deck, there would be exterior security lighting at the doors. Mr. Michelman asked if any of the board members had any questions.

Mrs. McGrinder stated that testimony was given that the design of the restaurant came organically with developing from the first floor onto the second floor. She asked if there was any thought on the second floor impacting the neighborhood and would have just staying on the first floor been more appropriate. Mr. Singer stated that they have always been considerate of the neighborhood. Mrs. McGrinder asked if 100 more people on the second floor would impact the neighborhood, not just the residents behind but the neighborhood as a whole. Mr. Singer asked what this concern was for. Mrs. McGrinder stated that this is in regards to parking. She explained that there are some people who would walk or Uber but most will bring cars. She asked if there were any discussions on if going to the second floor would impact the neighborhood. Mr. Singer stated yes that they had these types of discussions but there are several areas of parking. He explained that people are not coming to the downtown area any more retail and restaurants have the best survivability. He stated that he himself has taken an Uber to a restaurant. Mrs. McGrinder explained that wouldn't it be better for only a 125-person

restaurant within this area. She stated that she felt that the deck in the back would people hanging out there. She explained that there would be no seats but that people would still go out there which would impact the neighborhood. Mr. Singer stated that this is why they are proposing the buffer on the deck. Mrs. McGrinder asked if the deck was necessary in the rear of the property. Mr. Singer stated that there were restaurants who lost their business this past year who would have loved that back deck and it is nice to have that feature. Mrs. McGrinder stated that opening windows can give the same amount of breathing room and with Covid people are not going to be eating out there. Mr. Singer stated that opening up doors is much different than opening up windows. Mrs. Cobb stated that overall, she likes the design of the building but that within the Master Plan there is language of having a design standard of having a brick façade. She asked for clarification on why the brick façade would not fit this streetscape. Mr. Singer stated that when designing a particular feature on a street, the area that it is within has a particular fabric and certain materials that are used. He explained that the look of this building has the same fabric look as of the surrounding neighborhood. He stated that this design fits better within this particular streetscape. He explained that he believed the intent of the brick was for buildings that had no architectural concept in order to give them some kind of context to fit within the streetscape. Mr. Santaniello asked of the facilities inside the kitchen and its staff are designed are able to handle all of those dining seats simultaneously or is the second floor for just overflow when having some private events upstairs. Mr. Singer stated that this kitchen is not designed to handle a 200 seated event all at once. He explained that on the second floor each area has a slightly different use. He stated that one part is a lounge and another part would have TVs for presentations. He explained that the center space can connect for a larger event but the proportions of the second floor are not designed for one singular large event. Mr. Santaniello asked for confirmation that this kitchen design and staff would not be able to handle the capacity of a full 200 seated event. Mr. Singer stated no. Mr. Michelman explained that he had a question on the color and that the color white seemed to be very bright. He stated that the diner over by the old Hagler's had been painted white and it seemed out of place. He asked if the color white was really in keeping of this establishment. Mr. Singer stated that they had considered the colors red and black but felt that the color white made the restaurant stand out as being a separate entity. He explained that to the left of the building down the streetscape, there are several other buildings which are white. He stated that this color fits more in context of the streetscape. Mr. Degheri stated that he had questions on the floor plans and asked to start from the basement up. He asked if the lift which goes from all three floors is ADA compliant and asked how someone would go from the basement level to the higher levels of the building. Mr. Singer stated that the basement area is more for preparation and that some may use the elevator but rather there are stairwells to go up to the first floor. He explained that the food items would be prepped earlier in the basement and would already be taken upstairs to the first-floor level. He stated that the intent of the elevator is not to support the kitchen and that the first floor opening of the elevator is to the dining room. He stated that the support staff in the kitchen would not be entering the dining room with items to go downstairs to the basement. He explained that the elevator would possibly be used at the end of the night to assist with more of larger cleanups. He stated that the intent of the elevator is more of access for the patrons who are either handicapped or elderly.

Mr. Michelman noted, before the next question, that the board would not be able to get to questions from the public this evening. He stated that they would begin the hearing next time with public questions. He explained that he sees four members of the public with their hands

raised and have noted their names: Allison Bressler, Greg Trass, Bill Collins and Michael Kates. He stated that the board will begin in that order at the next hearing for public questions. He explained that they will begin the May 17th meeting with public questions and that the board members can continue their questions now.

Mr. Degheri asked if the two openings on the first level to the covered porch were casement windows or french doors. Mr. Singer stated that they are french doors and that the tables on the covered porch are not fixed so they can be moved for access. Mr. Degheri and Mr. Singer discussed the swing access of the doors and that all clearances would meet code requirements. Mr. Degheri stated that the area in front of the elevator within the dining room seems tight for public access. Mr. Singer explained that these areas are generally used for people who need them and this provides ADA access. He stated that majority of the main patrons would utilize the central stairwell. Mr. Degheri explained that he questioned their design of only having one toilet in the men's room for this size of restaurant. Mr. Singer stated that they meet the requirements along with having the two unisex bathrooms on the second floor. Mr. Degheri and Mr. Singer discussed the location of the pizza oven in relation to its prep area. Mr. Degheri asked what kind of trash containers would they have for this size restaurant. Mr. Singer stated that this is not a fast-food restaurant, where the silverware and plates would be thrown out and that their refuge is more food. Mr. Degheri noted that there would be other types of garbage such as cardboard boxes from deliveries, etc. Mr. Singer stated that they will have storage on the property but that they intend to have the pickup frequency so they would not be having garbage stored on the site. Mr. Degheri explained that there would be a lot of food within the garbage receptacles and asked odor control. Mr. Singer stated that the smells from a restaurant do not come from cooking or the garbage but rather it is more comes from the trash area not being cleaned. Mr. Degheri asked about the mechanicals on the side of the building. Mr. Singer stated that the mechanicals would be inside of an enclosure and the type of equipment chosen is for commercial establishments and are specifically designed to abate noise issues. Mr. Degheri asked to confirm that the air handlers would be installed inside the attic. Mr. Singer stated yes, they would be in the attic and they will provide forced air from the basement. Mr. Degheri explained that the second floor is quite extensive. Mr. Singer stated that the second-floor lounge area is not intended as a dining space. Mr. Degheri explained that people will sit in there to have cocktails. He stated that testimony was given that this area would be more used on a Friday or Saturday night but he believed patrons would go up to this lounge area and the use of the second-floor would be more. Mr. Singer explained that the lounge area would not be filled with dining patrons. Mr. Degheri asked if there were any plans for live music in the second-floor lounge area. Mr. Singer stated that he had not prepared any plans for this and there is no stage area in the lounge. Mr. Degheri explained that in regards to the front elevation, it feels like there is four or five disconnected parts rather than a cohesive look. He stated that the centerpiece structure seems to not match the other sides of the building and asked there is some way to better tie in cohesiveness. Mr. Singer stated that the proposed project is pretty much what the existing façade structure is currently. Mr. Degheri explained that since they are not exceeding the height limitations, there was now a chance to do something rather than leaving the shallow roof. Mr. Singer stated that the look of the building is part of the history which they are not trying to erase. Mr. Degheri and Mr. Singer discussed the location of the main signage of the restaurant on the front of the building. Mr. Degheri asked if there was a way to move the sign and add a type of detail to break up the blankness of all the white. Mr. Singer stated that this is a specific type of

design feature to just have the text name of the signage along with a certain amount of negative space around it with the texture on the façade. Mr. Barrows asked in regards to the butcher shop if it was a conscious choice to leave the butcher shop there or does the butcher shop have a long-term lease for that space. Mr. Singer stated that he does not know the answer to that question. Mr. Barrows explained that if you buy a building with the tenant who has a long-term lease and a tenant would not accept a buyout then you are stuck with that business use within the space. Mr. Singer stated that he would have to defer to the applicant for specifics but that he had multiple meetings with the applicant who expressed having an appreciation for the butcher shop. Mr. Barrows explained that if the butcher shop wasn't there, they could have removed their need for the expansion on the ground floor and reduced the FAR. Mr. Singer stated that even if utilizing the butcher space, it would not have given enough space needed for the commercial kitchen. He explained that square footage wise it would be close to what they are adding but rather the layout would not have worked. He stated that even if it were available, it would have still not been an ideal solution. Mr. Barrows explained that the board is not approving the concept but rather approving the size. He understands the testimony given was that the layout of the second floor would not be for maximize usage but if their concept fails and the building were to change hands to a new restaurant then they could make renovations to the second-floor space in order to maximize it. He asked what the maximum seating capacity would be for the entire space. Mr. Singer detailed the allowable occupancy space per square footage for the first floor and second floor. He stated that the capacity would increase approximately 20 to 25 seats for each floor. Mr. Barrows confirmed that the maximum capacity 312 occupants. He asked if the 6-foot buffer on the rear deck is referred to the fence rather than the plantings on the deck. Mr. Singer stated that the buffer on the deck is created by the 6-foot barrier plants. Mr. Barrows asked if the greenery would be inside planters on the deck. Mr. Singer stated yes that they would need to create a planter box on the back deck. Mr. Barrow stated that he is concerned that back deck, with the doors open, they would be bringing all the sound out into the residential community behind them. He explained that people would smoke and the smoke would travel through the air to the residential area. He stated that the sound of people outside talking out on the deck would travel as well. He explained that he is concerned with bringing the energy of the restaurant out onto the back deck area and subjecting that into the residential area behind. He asked if there was any consideration with keeping the deck but moving it to the front streetscape. Mr. Singer stated that they have had discussions and explored one solution for this matter after the last testimony. He explained that it is not the applicant's intent for the restaurant to be a nuisance. He stated that they want to be good neighbors and have thought about abandoning the back all together and doing something where there would be a deck across the front on the second floor. Mr. Barrows explained that they may run into the same type of comments or concerns during public questions. Ms. Odynski asked in regards to the outdoor dining area, how close the tables are on the left side to each other due to the reconfiguration of the front area for the ADA lift location. She stated that on the renderings, it looks like the tables are practically touching. Mr. Singer stated that the seating in this area is not fixed and that one of the tables can be removed. He explained that the seating in this area is flexible. Mr. Michelman asked if there were any other questions from the board. He stated that they will begin the next meeting on May 17th with questions from the public. He explained that the public will be able to ask questions only in regards to the testimony that was given tonight. He stated that comments from the public relating to this project are saved until the end of the testimony entirely. He explained that this matter will be carried without need for further notice.

Resolutions

None

Old Business

Mr. Michelman stated that in regards to the board member mandatory training there are two members that would need to take this training. He explained that one these members has already taken the course and the second member will be scheduled. Mr. Depken explained that we are in the process of this. Mr. Michelman asked for a status on the Land Use secretary position. Mr. Depken stated that the position has been filled and the new employee will begin in the middle of May.

New Business

Mr. Michelman stated that the Financial Disclosures are due and asked for everyone to please complete this requirement. He explained that there is a penalty and \$100 fine for non-compliance. Ms. Odynski asked a question in regards to the login and password to utilize for the Financial Disclosure. Mr. Michelman stated that individuals use their Borough email address and new members will need to create a password. Ms. Odynski stated that the email indicated that the password had been previously supplied to board members and any new members, they would be provided a password. Mr. Depken stated that the Administrator's office would need to be contacted for the new member's passwords. Mr. Michelman stated that the May meeting will certainly be on ZOOM but asked if any members would like to volunteer information on if they had received their COVID vaccination. The members and professionals shared this information. Mr. Michelman stated that he is hopeful of the June meeting being a soft target to possibly have an in-person or hybrid type of meeting. Mr. Depken stated that this matter would have to wait until the Borough Hall is open to the public again. Mr. Michelman asked about the use of the usage of the school's gymnasium. Mr. Depken stated that this could be possible. Mr. Michelman stated that he would prefer to go back to an all in-person meeting rather than a hybrid type of meeting. He explained that the board would need to be in agreement on this matter.

Mr. Michelman opened the meeting to the public for any matters.

Jack Falcone stated that he understands the feeling of not wanting a hybrid type of meeting but indicated that there is a way for someone to wire through for the purposes of members of the public who are not vaccinated yet or for individuals who do not feel comfortable yet to attend a live meeting. He explained that he felt there is a way of doing both. Mr. Michelman stated that OPTV would look into this when the board gets to that point.

Mr. Michelman closed the meeting to the public.

Motion to Adjourn Mr. Michelman, seconded by Mr. Barrows
The meeting was adjourned at 11:35 p.m.

Secretary