

Borough of Westville

Land Use Board

Meeting Minutes ~Monday, May 4, 2009

Mr. Sautter advised that notice of this meeting had been advertised in accordance with the "Open Public Meetings Act." Salute & Pledge of Allegiance to the Flag followed.

With regret a motion was made to accept the resignation of Board Member, Michael Carotenuto by Charles Murtaugh and seconded by William J. Bittner. Motion was unanimously approved by voice vote.

Solicitor Thompson administered the Oath of Office to the William J. Bittner for a one- year term.

The roll was called with the following Board Members present: Solicitor Gary Thompson, William Bittner, Vince DiCicco, Eric Farley, Dawn Leamy, Ronald Muhlbaier, Charles Murtaugh, Michael Sautter. Colleen Archer, Alternate # 1 and Kevin Galbraith Alternate # 2. Norm Rodgers, Engineer and Leah Furey Bruder, Professional Planner was also in attendance.

OLD BUSINESS:

- Application for a variance and site plan waiver for Schileen's Pub, 32 Delsea Drive, Block 34 Lot 5

There was a question concerning the adequacy of the notice to hear the application. After hearing a discussion between Attorney Barry Lozuke, representing Schileen's Pub, applicant, and Attorney Dale Taylor, representing Westville Square, LLC a motion was made by John Louis and second by Charles Murtaugh to hear the application. *Motion was unanimously approved by roll call vote.*

Solicitor Thompson swore in witnesses, Eileen Schillig, Owner and Lance B. Landgraf, Professional Planner. Mr. Lozuke questioned Mrs. Schillig on the type of business there now, parking, what the upstairs would be used for, hours of operation and accessibility. The room would not be used for overflow from the tavern downstairs. Mr. Landgraf explained his qualifications and was accepted by the Board as an expert witness in the field of planning. Exhibits A-1 (aerial photo) and A-2 (vicinity map) were submitted, not meant to be survey information, just a guideline for the area. Mr. Landgraf testified that there were 30 parking spaces. There was discussion concerning parking spaces, the Block and Lot they were associated with, off street parking and also parking in the Municipal lot. Mr. Lozuke questioned Mr. Landgraf on the square footage of the bar area which he stated as 2,250. The 2nd floor square footage would be 1,400. Mr. Landgraf stated the both the negative and positive criteria have been met on this application Gary Thompson wanted clarification on the type of variance they were seeking. Mr. Lozuke stated that it would be a C-1-C and also C-2. Eileen Schillig gave testimony on the parking spaces shared with the printing company and the agreement between Mr. Hicky and the Schillig's.

Leah Furey and Norm Rodgers were sworn in. Mr. Rogers had questions on property lines. There was more discussion between William Bittner, Leah Furey and Norm

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Rodgers concerning the downtown area businesses and that parking is not available. The trash enclosure was discussed and agreed upon.

Ron Muhlbaier had photos showing the parking on residential side streets and the problems that had been brought to his attention. He lives in the area and has personally had problems with the parking over flow. There has also been parking in Lawrence's lot on Delsea Drive.

Dale Taylor questioned Eileen Schillig on the history of the property, parking spaces, parking requirements, the increase of patrons because of the deck and fire occupancy. Mrs. Schillig testified that with the addition of the deck her fire code occupancy did not increase. Mr. Taylor also questioned Mrs. Schillig on the parking spaces of 189 - 191 Broadway.

There were comments from William Bittner concerning parking requirements and the fact that the Schileen's is eliminating a rental unit, which goes along with the Master Plan. Mr. Landgraf spoke concerning square footage of property and what the Boro of Westville has done to try improve the parking situation in the downtown area.

PUBLIC COMMENT:

Louis Achilles, owner of Grabbe's tavern, was sworn in and stated he has had problems with Schileen's patrons parking in his lot.

COMMENTS FROM BOARD MEMBERS:

Michael Sautter had questions concerning hours of operation, entrance to the 2nd floor and parking on other properties. Mr. Sautter asked if it was agreeable with Mrs. Schillig to limit the hours as part of the application. Mrs. Schillig stated that the room would not be used Friday or Saturday evening after 7:00. There is an outside entrance to the 2nd floor and there is no entrance from the bar area. She has written to Grabbe's bar concerning patrons parking on their lot.

There were closing arguments from both Dale Taylor and Barry Lozuke. Both attorneys discussed the positive and negative criteria

Solicitor Thompson asked how many spaces there are exclusively for this business. Mr. Lozuke stated that there are thirty (30) spaces. He also asked Leah Furey Bruder's clarification on C-1 or C-2 zoning from a Planner's standpoint.

John Louis does not see it as a detriment having a banquet room upstairs. Ronald Muhlbaier would like to make sure the applicant would not use the banquet room on Friday and Saturday night because of the parking issue. If this were agreed on, he would support it.

Motion to approve variance and the site plan waiver was made by Colleen Archer and second by Ronald Muhlbaier conditioned upon no banquet facilities in Schileen's entity would be in use from 7:00 P.M. onward Friday and Saturday and a trash enclosure would be installed. *Motion was unanimously approved 9 - 0 by roll call vote.*

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The Board was informed of applications before the Sub Committee.

MEETING ADJOURNMENT:

A motion to adjourn the meeting was made by Vince Disco and seconded by Charles Murtaugh. *Motion was unanimously approved by voice vote.* Meeting adjourned at 10:45 P.M.

Respectfully submitted,

Therese Eckel
Secretary