

REGULAR MEETING OF OCTOBER 5, 2009

The meeting was called to order by Chairman Peter Kortright at 7:30 P.M.

The notice of the Open Public Meetings Law was read.

Roll Call: Present: Deputy Mayor Lisa Swain, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Joseph D'Arco, Baruch Gadot, Absent: Honey Morgenstern, Todd Malkin

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel

Approval of Escrow Bills

Upon motion by Joseph D'Arco and a second by Barry Winston, the escrow bills were unanimously approved. AYES: Deputy Mayor Lisa Swain, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Joseph D'Arco, Baruch Gadot.

Approval of Minutes

Upon motion by Deputy Mayor Lisa Swain and a second by Barry Winston, the minutes of the work session of September 14, 2009 were unanimously approved. AYES: Deputy Mayor Lisa Swain, Joseph Baladi, Barry Winston, Larry Metzger, Joseph D'Arco, Baruch Gadot ABSTAIN: Scott Osback and Phillip Cassidy

Chairman Peter Kortright opened the matter to the public.

Harvey Rubinstein stated that Arthur Cumming is a full time employee and can be called at anytime. He follows through and will take the entity to court if they are not in compliance. He and Ann Peck will take action on a complaint.

Peace Korean Church; 39-23 Fair Lawn Avenue; Block 1710, Lot 11

Philip Cassidy and Scott Osback stated that they had read the transcript. Larry Metzger recused himself.

Mr. Lans reviewed the previous testimony. Richard Eichenlaub was reminded that he was still under oath. He explained the modified plan which was marked as Exhibit A-5. He explained that he added four additional spaces and relocated the dumpster. The two

sheds have been shifted to the east side. At the request of the Board, he increased the radii out to the street. Drop curbs are being proposed. They have provided for striping at the point in ingress and egress. Exhibit A-6 is the plan with the revised parking. There was a suggestion of parking in northeast quadrant of the lot. Mr. Eichenlaub indicated that this area is used from time to time as recreational area. It is more appropriate to maintain as green.

There was some discussion about the calculation of parking. Mr. Lans stated that this is an accessory use and it is not an outside different use. Attorney Bern disagreed but noted the applicant's objections.

Joseph D'Arco asked how the congregation would address any parking deficiencies. The applicant indicated that they had several families willing to car pool. They also had an agreement with the florist. Lastly, it should be noted that there are no new uses other than what the church is already doing.

Chairman Kortright opened the time for public and no public wished to be heard.

Chul Paek was reminded he was sworn in. He stated that members live in Fair Lawn, Glen Rock and Ridgewood and are willing to car pool. They have managed to make an agreement with the florist to provide 7 spots on Sundays. They have six residences comprising of 30 people agreeing to carpool to commute to service. The agreement with the florist was marked as Exhibit A-7.

Mr. Paek testified that the addition will not be used for non member functions. Mr. Winston stated he was concerned about the availability of the parking at the florist. There is no site plan presented and he doubts the feasibility of parking in that lot. Mr. Lans emphasized that there would not be additional cars due to this construction.

The meeting was recessed for 15 minutes at 8:45 P.M.

Chairman Kortright reconvened the meeting at 9:00 P.M. and opened the matter to the public.

Jay Kim, Senior Pastor, who resides at 39-35 Fair Lawn Avenue explained that the area is needed for fellowship for their congregation. He asked the Board to accept the application.

Wonmin Han, 37-06 Fair Lawn Avenue, said they are only asking to come to church and praise. There will be no additional cars.

Deputy Mayor Lisa Swain explained that she is an elected official and must uphold the rules and regulations of municipal law.

Yung Chur, 4 Townley Road, said she did not agree that 62 parking spaces were required. They don't have events going on while there are services.

Sang Won Han, 43-06 Williams Street, thought they brought clear evidence that parking spaces were sufficient. They would never use 62 spaces even if they were available.

Sung Heon Ying, Ruvy Avenue, Palisades Park, New Jersey, stated the current issue is about parking spaces. Generally speaking in new construction, there are rules and regulations that are applied. The proposal they are making is not about an increased number of congregants, it is about existing church congregants, it is for the number of people right now. There is no need for increased number of parking spaces. He stated he respects the law and respects those following the guidelines but there is no problem with the current conditions. He stated they have never received any complaints from neighbors or the temple and we do not think there will be problems in the future. The fact is different than the law in practicality.

Sandra Lee, 20 Roberts Square, Washington Township, New Jersey, stated that the space is not for extra activities. These same activities are taking place now in a smaller space.

Yak Dan Caunt, 244 Rock Road, Glen Rock, New Jersey, stated that he hope the Board would look favorably upon the application.

A Lee, 71 East Palisade Avenue, stated that they don't need that many spots, they don't own lots of cars.

Mr. Lans indicated that the applicant would agree that if there was a transfer of title they would have to come back to the Board. Mr. Lans stated this is an existing church and the parsonage and house of worship are permitted. They have been operating at the site for 18 years. The addition is connected to the church and adds improvements to the site including drainage and ingress and egress. There are two variances, the minimum side yard and the parking variance. The applicant has a parking attendant present during Sunday morning service hours. The accessory building will not be used at the same time as services. This is an inherently beneficial use. This is a small church with a limited amount of funds and they are not expanding their functions. The reality is that there is not parking shortage. There is no need for additional parking. He stated that this plan is a real improvement to what exists and has no detrimental effect to the community.

Phillip Cassidy moved that the application be approved subject to non simultaneous use during the services on Sunday morning, a parking attendant directing traffic on Sunday and the requirement if the property is sold that they would return to the Planning Board. AYES: Scott Osback, Phillip Cassidy NAYS: Joseph D'Arco, Deputy Mayor Lisa Swain, Barry Winston, Baruch Gadot, Chairman Peter Kortright.

Hajjar Medical Office, 14-01 Broadway, Blocks 4321 and 4317, Lots 12, 15-26

Andy Del Vecchio appeared on behalf of the applicant and explained that they are proposing to demolish the residential structure for medical offices and redevelop it for a pediatric surgery center together with general office space. There will be beds which would result in no more than 8 patients per day. In connection with the application, bulk variances for maximum building coverage, off street parking and interior side yard are being requested.

Mr. Del Vecchio indicated that they were contacted by the Broadway Improvement Committee (BIC) and they took a close look at the vision plan. The applicant has secured their endorsement to the general layout and has made an architectural change to provide a cornice feature along the perimeter of the building as requested. In terms of the site plan, they have made some minor improvements to the streetscape. He explained that a pediatric surgical center uses a lot less parking than a traditional medical office building. He added that the parking variance is not only justified but is appropriate and will avoid paving areas that don't need to be paved.

The Affidavit of Notice was marked as Exhibit A-1 and the site plan drawings consisting of six sheets dated July 23, 2009 were marked as Exhibit A-2. Architectural plans consisting of 6 sheets dated July 27, 2009 were marked as Exhibit A-3. The drainage calculations consisting of 15 pages dated June 15, 2009 was marked as Exhibit A-4.

Steven Aluotto, of Chester, New Jersey was sworn in and qualified as a expert architect. He indicated that the plans were prepared under his supervision. The cover sheet is to add the roof top cornice that the design review committee recommended. His charge was to develop a medical facility specifically for the function of pediatric surgery care. It consists of 15,807 square feet, two occupiable levels. The first level at grade is parking. There is an entry vestibule, stairs and elevator. The first occupiable level is 7358 square feet, containing the pediatric care center. There is no other proposed use on that floor. The third level is anticipated to house medical records and medical billings. The general office space is about 2,050 square feet. There will be a brick veneer on Broadway side. He explained the details of the architecture. Some of the windows are architectural and not functional since there are surgical suites that are not appropriate for windows. Their

purpose is for an attractive Broadway streetscape. The floor heights are approximately 13 feet each. Mr. Aluotto explained the surgical area and the differences between a surgical center and a traditional medical office.

He explained the various rooms. He stated that there would be no more than 8 patients. Most of the windows on the second floor that face Broadway will be false. Solar shades will be used on the upper level. The heating and cooling systems are in the design phase. Phil Cassidy asked about the air conditioner units and it was explained that they will be placed as close to the center of the roof as possible and will be screened. Baruch Gadot asked about the waiting rooms and if solar screens would be considered.

Chairman Peter Kortright opened the matter to the public.

Deborah Beard-Thapa, 1-15 Kenneth Avenue, stated that the back of the building is looking into her backyard. She asked if the applicant make the fake windows in the back so they would not have people looking into their back yard. Mr. Aluotto said they would consider that because they want to be good neighbors.

The HVAC on the roof will not exceed the noise levels. He explained that they are proposing using stacked spaces for employees. It was agreed that the matter would be carried without further notice to November 9, 2009.

Adjournment

Upon motion by Barry Winston and a second by Scott Osback, the meeting was unanimously adjourned at 11:00 P.M.

Respectfully submitted,

Cathryn Hochkeppel
Municipal Housing Liaison/
Land Use Administrator/
Secretary of the Planning Board

CH:mc