

REGULAR MEETING OF JULY 16, 2007

The regular meeting of July 16, 2007, was called to order by Chairman Barry Winston at 7:30 p.m. The notice of the Open Public Meeting Law was read.

ROLL CALL:

Present: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston Absent: Honey Morgenstern, Peter Kortright III, Alan Neggia, Phil Cassidy

Also present: Board Engineer John Rottenbacher, Board Attorney Douglas Bern, Board Secretary Cathy Hochkeppel

Approval of Escrow Bills

Upon motion by Todd Malkin and a second by Joseph D'Arco, the escrow bills were unanimously approved. AYES: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Approval of Minutes

Upon motion by Todd Malkin and a second by Michael Cohen, the minutes of the June 11, 2007, work session were unanimously approved. AYES: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston.

Upon motion by Todd Malkin and a second by Harvey Rubinstein, the minutes of the June 11, 2007, regular meeting was approved. AYES: Harvey Rubinstein, Alan Neggia, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Upon motion by Todd Malkin and a second by Harvey Rubinstein, the minutes of the special meeting of June 18, 2007, were unanimously approved. AYES: Harvey Rubinstein, Alan Neggia, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Michael Cohen, Chairman Barry Winston Abstain: Joseph D'Arco

Memorializing Resolution

Diamond Bridge, Inc.; 12-76 River Road; Block 5613, Lot 2; food handler

Board Attorney Douglas Bern explained the memorializing resolution. The Board discussed the resolution and minor amendments were made. Upon motion by Todd Malkin and a second by Michael Cohen, the memorializing resolution was unanimously adopted. AYES: Alan Neggia, Larry Metzger, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Michael Cohen, Joseph D'Arco, Chairman Barry Winston

General Public Comment

Chairman Barry Winston opened the matter to the public and no public wished to be heard.

IROJ; 12-56 River Road; Block 5613, Lots 10-14; food handler

Todd Malkin moved that the application be denied without prejudice since the applicant did not appear. Harvey Rubinstein seconded the motion which was unanimously adopted. AYES: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Walter J. Enders; 7-07 Fair Lawn Avenue; Block 5718; Lot 28; food handler

Walter J. Enders; 86 Brook Street in Bergenfield, New Jersey, was sworn in and explained he is going to be the owner of a restaurant formerly known as Daniel's Kitchen. It will remain a luncheonette. He plans on being open six days a week and closed on Sundays. They will be open 6:00 a.m. to 7:00 p.m. He intends on maintaining the same parking relationship as the prior tenant. He explained that they store the garbage in the basement portion of the building and then take the garbage out to the street.

Chairman Barry Winston opened the time for public comment and no public wished to be heard.

Todd Malkin moved that the application be approved as presented. Michael Cohen seconded the motion which was unanimously adopted. AYES: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Rahuba; 2-36 29th Street; Block 3308, Lots 5-9; minor subdivision (continuation from last month)

Ira Levine appeared for the applicant. Matthew Fox, 6-20 Plaza Road; Fair Lawn, New Jersey was sworn in. In response to Harvey Rubinstein's question about the height of the building, he explained that the pitch of the roof would not exceed 30 feet.

Mr. Levine explained that the last meeting there was discussion about removing Mr. Rahuba's house. Those plans have now been submitted and reviewed. Mr. Rahuba was reminded that he was still under oath.

Deputy Mayor Marty Etlar stated that it is a good plan and he believes will be an improvement to the area. Michael Cohen asked about the deck and Mr. Rahuba explained it in detail. Harvey Rubinstein asked about the bulk heads by the patio and Mr. Fox explained they were basement doors and were calculated in the impervious coverage. When asked about the timetable, Mr. Rahuba explained that he will build first on lots seven and eight and then on lots five and six within a year.

Chairman Barry Winston opened the time for public comment and no public wished to be heard.

Deputy Mayor Marty Etlar moved that the application for a minor subdivision be approved with two new houses as per the revised site plans and drawings submitted. Michael Cohen seconded the motion subject to compliance with Boswell Engineering's letters. Deputy Mayor Marty Etlar, Michael Cohen, Larry Metzger, Joseph D'Arco and Chairman Barry Winston voted in favor of the application. Todd Malkin and Harvey Rubinstein voted against the application. AYES: Deputy Mayor Marty Etlar, Michael Cohen, Larry Metzger, Joseph D'Arco and Chairman Barry Winston NAY: Todd Malkin & Harvey Rubinstein. Ms. Hochkeppel noted that the motion was carried.

Dacula; 23-23 Broadway; Block 3324, Lots 17; food handler

Alex Dacula; 31 East Englewood Avenue, Bergenfield, New Jersey and Sean Constantino; 33 Marion Avenue; Dumont, New Jersey were sworn in.

Alex Dacula explained that when his family lived in the Philippines, they sold a burger patty. He explained that they plan on making the patties here. He also explained that

they will be mixing the burger, freezing the food in a process and selling them throughout the area.

Mr. Dacula explained that he owns a van. The hours are 10:00 a.m. to 6:00 p.m., but they will not be in the store unless they have orders to fill. It is basically a wholesale delivery business. Michael Cohen was concerned about the overhang and he was told it was built by the applicant to keep the rain out. The applicant explained the operation of the business. After some discussion, it was determined that the applicant currently rents the property and occasionally uses the premises for baking and cooking as a back-up to his other facility. This will be a new operation at this facility.

Chairman Barry Winston opened the matter for public comment and no public wished to be heard.

Todd Malkin moved that the application be approved to maintain the current bakery operations and to establish a wholesale meat operation. Harvey Rubinstein seconded the motion which was unanimously approved. AYES: Harvey Rubinstein, Larry Metzger, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Upon motion by Michael Cohen and Todd Malkin, the meeting was unanimously adjourned at 8:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CLH:blcl