

REGULAR MEETING OF DECEMBER 17, 2007

The regular meeting of December 17, 2007, was called to order by Chairman Barry Winston at 7:30 p.m. The notice of the Open Public Meetings Law was read.

Roll Call

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

Also present: Board Engineer John Rottenbucher, 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: Joseph D'Arco, Alan Neggia, Deputy Mayor Marty Etlar, Peter Kortright III, Todd Malkin, Michael Cohen, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston

Approval of Minutes

Upon motion by Todd Malkin and a second by Larry Metzger, the minutes of the work session of November 5, 2007, were unanimously approved. AYES: Joseph D'Arco, Alan Neggia, Deputy Mayor Marty Etlar, Peter Kortright III, Todd Malkin, Michael Cohen, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston

Upon motion by Michael Cohen and a second by Todd Malkin, the minutes of the Regular meeting of November 5, 2007, were unanimously approved AYES: Joseph D'Arco, Alan Neggia, Deputy Mayor Marty Etlar, Peter Kortright III, Todd Malkin, Michael Cohen, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston

Memorializing Resolutions

Antonio Columbo; 115 Lincoln Avenue; food handler Jahn's Deli to Little Tony's Catering

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

General Public Comment

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

George Matthews; 39-10 Broadway; Block 1206, Lot 17; food handler

George Matthews; 71 Cedar Drive, Allendale, New Jersey, was sworn in and testified that he is the owner of the proposed restaurant that will be Gotham City Diner and will be replacing Good Times. He explained that their prices are for a casual family dinner. It is the standard diner fare. He will be keeping the same kitchen and the same lay-out. There is no increase in the number of seats so there are no additional parking requirements. Peter Kortright III, pointed out that there is another restaurant right next door and perhaps they could work out some type of cooperative parking. Mr. Matthews stated that he is currently working closely with the neighbors and other businesses. The proposed hours of operation are from 6:00 a.m. to 1:30 a.m. Twenty-five full time employees will be on site. They will have 10-12 employees per shift. There is no wood or charcoal in the cooking process. If there is an odor problem, the applicant will have to ameliate it.

Claude Bienstock stated that he is supportive of this business and believes it is better for the community to have a viable business rather than an empty store.

No other public wished to be heard.

Todd Malkin moved that the application be approved noting that the hours of operation are from 6:00 a.m. to 1:30 a.m. and there will be no increase in seating. Michael Cohen seconded the motion which was unanimously approved. AYES: Harvey Rubinstein, Peter

Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Alan Neggia, Larry Metzger, Michael Cohen, Chairman Barry Winston

15-01 Pollitt Drive Associates; 15-01 Pollitt Drive; Block 4802, Lots 3 & 5; major site plan

Stuart Liebman, Esq., appeared on behalf on the applicant. He explained that the property was formerly Lea & Perrins property. The property is located in I-1 zone and is 6.1 acres. It is an oversized piece of property. The applicant does not intend on increasing the size of the building. Site plan approval was granted on previous occasions. The ownership is now changing hands. The purchasers are the same group that purchased 17-01 Zink Place property and intend a similar transformation of the building. The applicant is changing it from a large industrial user to several smaller tenants. The applicant intends on adding loading docks and entrances. Lea & Perrins is staying but is using less space. The plan can accommodate up to 13 individual spaces. The applicant wants to accommodate multiple users and create a better parking layout. The applicant is providing 169 parking spaces where 174 are required. There are more than adequate parking spaces. The plans previously approved 73.3% impervious coverage but the actual approved surface was approximately 77% and 77.6% is the proposed impervious coverage. The existing nonconformities include the lot width of 317 feet where 500 feet is required and interior side of 49.5 feet where 50 feet is required. The front yard setback provided is 60.5 feet where 65 feet is required and building coverage of 41.6 where 40 is required. Fair Lawn Economic Development Corporation's Route 208 study was marked as Exhibit A-1. Mr. Liebman explained that the Economic Development Committee has suggested that changes be made to encourage redevelopment of older and tired buildings. This study encourages multiple uses at these properties. Mr. Liebman added that he believed this application is consistent with the plan.

Darrin Diaz, Rochelle Park, New Jersey, was sworn in. He explained that he is the owner's representative and director of the project. He stated that development of 17-01 Zink Place was similar. He explained the background of his company which owns several buildings and recreates places for redevelopment in industrial zones. They deal with the suburban North Jersey market and give the property curb appeal. Mr. Diaz explained that the building was bought in 2007 and Lea & Perrins have moved their main operations to Idaho. Lea & Perrins has an intricate process. The process of boiling the vinegar will no longer be done at the Fair Lawn premises. Lea & Perrins has a 10 year lease and will be operating for the next 10 years. Presently, they have between 12 and 17 employees. Mr.

Diaz explained that the parking was more than adequate. Mr. Diaz explained that usually 1 space for every 1,000 square feet is more than what is needed.

Joseph D'Arco asked whether a traffic study has been done and Mr. Liebman explained that if the use is permitted, the Board's jurisdiction is limited to on-site traffic conditions. Mr. Diaz explained that the typical user operates between 7:00 a.m. and 5:00 p.m.

Mr. Diaz testified that the garbage is removed by a private hauler. The applicant is trying to make the building as modern as possible. They plan on converting the units to a condominium type ownership.

Architect Ken Schier, 16-00 Route 208 South, Fair Lawn, New Jersey, was sworn in and was qualified as an expert architect and planner. He explained that the plans were prepared by him and he described the building and changes. A colorized architectural floor plan with elevations, dated October 18, 2007, was marked as Exhibit A-2. Mr. Schier explained the plans in detail. The largest tenancy is Lea & Perrins. The existing footprint of the building will remain as it is. The proposed square footage is 17,000. The net is 14,416 square feet. The improvements are limited to the façade and the applicant is using the same color scheme as Zink Place which is stucco with navy blue accents. There will be a total of 14 overhead doors (six currently exist) and a total of 23 new man-size doors, (10 currently exist). He explained the handicapped parking space in the rear. There will be a lift to access the premises. Mr. Schier testified that the two variances requested would have no negative or detrimental impact. Larry Metzger asked about restrooms and was told each unit has restroom facilities.

William Hamilton, Cedar Knolls, New Jersey, Landscape Engineer and professional planner, was sworn in and qualified as an expert engineer and planner. He explained the amendments to the site plan. It is a property of approximately 6 acres and is fully developed. The zoning is a conforming use. There are a few nonconformities with respect to lot width, setback and building coverage. The plan slightly impacts impervious coverage. The current plan was marked as Exhibit A-3. Sheet three of page nine, dated October 16, 2007, and approved in 2003 was marked as Exhibit A-4. Mr. Hamilton explained that the parking aisles were moved closer to the building. Mr. Hamilton also testified that both variances are not detrimental to the area. He added that the impervious coverage increase is diminimus. The second variance is for parking and testimony has been given that there is adequate parking. Mr. Hamilton explained that the dumpsters will be enclosed.

The turning radius was explained and Mr. Hamilton stated that it will be demonstrated on the amended plan. The applicant is also going to provide striping for pedestrian traffic on both the eastern side and on the western side subject to the approval of the Board Engineer. The lighting plan along the western side is on telephone poles and on the eastern side will be shown on the plan to the satisfaction of the Board Engineer. Mr. Hamilton testified that vehicular circulation will improve and there will be an aesthetic improvement and better pedestrian safety standards. Both variances can be granted without substantial detriment. There will be no impact to the neighborhood and no change to the building footprint. Larry Metzger asked about signage and it was explained that all the units will have vinyl lettering indicating its unit number.

Harvey Rubinstein asked about the trees painted with an "x" and was told that there will be no removal of trees due to this application. Harvey Rubinstein suggested landscaping along the railroad tracks and Chairman Barry Winston disagreed. Harvey Rubinstein also pointed out that the fence needed to be repaired. Mr. Liebman responded that the applicant will make all repairs necessary.

Peter Kortright III, asked about the curblin on the eastern boundary and suggested that the engineer look at increasing the turning radius and creating additional parking.

James R. Woods, was sworn in a qualified as an expert professional engineer. He described the truck maneuver on the east side. It is possible to have trucks as long as 50 feet in length. On the west side, they cannot accommodate such a large truck and it would be limited to a box truck. The applicant can't lease that side of the building to someone who needs a trailer truck. Michael Cohen asked about ownership of condominium and it was explained that the property would be divided with a few common elements. Board Engineer John Rottenbacher explained that as part of the revised plan, Boswell Engineering would like the maneuverability of trucks demonstrated. Larry Metzger asked about the snow removal and Mr. Diaz explained that when necessary the snow is removed fro the site. Chairman Barry Winston opened the time for public comment.

Craig Miller asked about the handicapped parking. It was explained that there are several handicapped spaces. He commented that trucks could be coming in and out 24 hours a day. Mr. Diaz explained that the typical business is 7:00 a.m. to 5:00 p.m., but it is possible that there would occasionally be an off-hours delivery.

As no other public wished to be heard, Chairman Barry Winston closed the time for public comment.

Peter Kortright III, moved that the application be approved for up to 13 separate units, granting the variances for impervious coverage and parking, subject to assigning lease parking spots for maneuverability of trucks, repair or replace fence at rear, reviewing the design on the eastern part of the property to possibly increase radius for trucks and /or parking, not exceeding the office space calculation and compliance with Boswell Engineering's letter. Todd Malkin seconded the motion. Deputy Mayor Marty Etler commented that overall it is a pretty good plan. Todd Malkin added that this is the type of redevelopment that the borough should encourage. Harvey Rubinstein stated that he believes this might be a good application but Board members should be permitted to ask as many questions as they want. Larry Metzger stated that he likes the concept and believes it will be healthy for the town. AYES: Alan Neggia, Joseph D'Arco, Deputy Mayor Marty Etler, Peter Kortright III, Todd Malkin, Larry Metzger, Michael Cohen, Chairman Barry Winston NAY: Harvey Rubinstein

Adjournment

Upon motion by Todd Malkin and a second by Michael Cohen, the meeting was unanimously adjourned at 10:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl