

REGULAR MEETING OF FEBRUARY 27, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, February 27, 2006, was called to order at 7:50 p.m. by Chairman Winston in the Council Chambers of the Municipal Building.

Notice of the Open Public Meeting Law was read stating that the newspapers were notified and notice posted on the first floor bulletin board of the Municipal Building.

ROLL CALL:

Present: Barry Winston, Todd Malkin, Joseph D'Arco, Harvey Rubinstein, Peter Kortright, III, Phil Cassidy, Michael Cohen, Alan Neggia, Albert Palmieri, Honey Morgenstern, Owen McCarthy

Also present: Board Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

Chairman Winston informed the public that The Plaza Building site plan application at 14-25 Plaza Road would not be heard this evening as proper legal notice was not given.

Approval of Minutes

Upon motion by Michael Cohen and a second by Todd Malkin, the minutes of the work session of November 14, 2005, were unanimously approved. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston ABSTAIN: McCarthy, Rubinstein. Upon motion by Michael Cohen and a second by Todd Malkin, the minutes of the work session of December 12, 2005, were unanimously approved. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston ABSTAIN: McCarthy, Rubinstein. Upon motion by Todd Malkin and a second by Al Palmieri, the minutes of the reorganization meeting of January 9, 2006 and the regular meeting of January 9, 2006, were unanimously approved. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston, McCarthy, Rubinstein

Upon motion by Peter Kortright and a second by Deputy Mayor Owen McCarthy, the minutes of the special meeting of January 30, 2006, were considered. Harvey Rubinstein stated he wanted to make it clear that he had no objection to the services of Mr. Bern or Mr. Rottenbucher but voted against the resolution as the wording was unclear. Board Attorney Bern commented that it is a new process and perhaps he should have explained it in more detail to the Board members as there was some confusion about the process. Ms. Hochkeppel stated that she will add a reference note to the minutes so that Mr. Rubinstein's vote is clarified. Board Engineer Rottenbucher also had some technical additions

to the minutes. The minutes, as amended, were unanimously approved. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston, McCarthy, Rubinstein

Appointment of Professional Planner

Chairman Winston commented that Planner Cheryl Bergailo had done a good job for the Board in the past on short notice and he would like to have her available when the Board needs a professional planner. Mr. Rubinstein asked about the hourly fees and was informed that they compare favorably with Schoor DePalma. Upon motion by Todd Malkin and a second by Michael Cohen, the resolution of approval was unanimously adopted. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston; McCarthy, Rubinstein

Memorializing Resolutions

Arena; 115 Lincoln Avenue; Block 6906, Lot 43; food handler

Board Attorney Bern explained the memorializing resolution. Upon motion by Al Palmieri and a second by Todd Malkin, the resolution was unanimously adopted. AYES: Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri, Winston

Radiology Center of Fair Lawn; 0-100 28th Street; Block 3210.01, Lot 4; site plan

Board Attorney Bern explained the memorializing resolution. Mr. Malkin asked whether the neighbor had met with the applicant and suggested that when the permit is renewed, it should be confirmed that the meeting took place. Ms. Hochkeppel will send a note to the Construction Official. Upon motion by Todd Malkin and a second by Al Neggia, the resolution was unanimously adopted. AYES: Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri, Winston

Angelo's Pizzeria; 12-28 River Road; Block 5616, Lot 1; site plan

Attorney Bern explained the memorializing resolution. Upon motion by Todd Malkin and a second by Al Palmieri, the resolution was unanimously adopted. AYES: Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri, Winston

St. Leon Armenian Church; 12-61 Saddle River; Block 1603, Lots 1 and 9; site plan

Board Attorney Bern explained the memorializing resolution. Upon motion by Joseph D'Arco and a second by Peter Kortright, the resolution was unanimously adopted. AYES: D'Arco, Kortright, Winston

CK Bergen Holdings, 17-01 Pollitt Drive; Block 4802, Lot 4

Board Attorney Bern explained the memorializing resolution. Upon motion by Al Palmieri and a second by Al Neggia, the resolution was unanimously adopted. AYES: Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri, Winston

Escrow bills

Upon motion by Joseph D'Arco and a second by Todd Malkin, the escrow bills were unanimously adopted. AYES: Malkin, Neggia, Kortright, D'Arco, Palmieri, Cohen, Winston; Rubinstein ABSTAIN: McCarthy

Public Comments

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

Quiznos; Beta, QSR; 14-25 Plaza Road; Block 3722, Lot 1; food handler

David Russo, Esq., appeared on behalf of the applicant. Irene Shen, 14-25 Plaza Road, Fair Lawn, was sworn in and testified that she will be the new owner of the Quiznos. Other than improving the level of operations, no changes will be made. In response to the Board's question, Ms. Shen explained that deliveries will be made to the rear. Chairman Winston explained to the applicant that there were difficulties with the Landlord and the site plan application was to be heard this evening. There are definitely parking issues at that site. Mr. Russo stated that there was some difficulty in obtaining the lease so he is not completely surprised. It was noted that this was a simple change of ownership and many of the site plan issues would be discussed further when the Landlord appeared before the Board.

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

Upon motion by Michael Cohen and a second by Deputy Mayor McCarthy, the application was unanimously approved: AYES: Malkin, D'Arco, Rubinstein, Kortright, Cohen, Neggia, Palmieri, McCarthy, Winston

Vera's Trattoria; 12-76 River Road; Block 5613, Lot 1; food handler

Ronald P. Mondello, Esq., appeared on behalf of the applicant, Gjon Karaqui. Mr. Karaqui was sworn in and explained that he is taking over Angelo's Pizzeria. Except for the name and the quality of the operation, no changes are being made. Mr. Karaqui testified that the sign box is not changing only the lettering. He affirmed the information in his application.

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

Upon motion by Todd Malkin and a second by Michael Cohen, the application was unanimously approved. AYES: Malkin, D'Arco, Rubinstein, Kortright, Cohen, Neggia, Palmieri, McCarthy, Winston

IHOP; 37-13 Broadway; Block 2321, Lot 3; sign variance

Andrew Karas, Esq., appeared on behalf of the applicant. Jennifer Alaimo, 37-13 Broadway, Fair Lawn, proprietor of IHOP, was sworn in. The applicant explained the proposed signs on both sides of the building. The depth will be no more than 10 inches. Ms. Alaimo testified that approaching the building from the west, a driver cannot see the sign until they are on top of it. Ms. Alaimo also explained that the franchises new look calls for these two signs. She explained that the signs do not light up the surrounding area, only the sign itself. They will be lit from sunset to midnight. Ms. Alaimo testified that there are similar signs in the area. The Dunkin Donuts is almost exactly the same as the proposal. Mr. Karas introduced a series of photographs of signs in the area as Exhibit A-1. Ms. Alaimo testified that her sister took the pictures and they were an accurate depiction of the area. Mr. Cassidy asked about the sign on the easterly side and if it would be shielded with trees. Ms. Alaimo explained that it would not be aesthetically pleasing to have the sign only on one side of the building. Ms. Karas explained that the applicant is seeking approval and qualifies for the variance as the signs contribute to the safety of the traveling public and alleviates existing tensions. In addition, they are consistent with the area.

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

Upon motion by Peter Kortright and a second by Todd Malkin, the sign variances as presented were unanimously approved. AYES: Malkin, D'Arco, Rubinstein, Kortright, Cohen, Neggia, Palmieri, McCarthy, Winston

Adjournment

Upon motion by Al Palmieri and a second by Harvey Rubinstein, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Board

