

REGULAR MEETING OF AUGUST 13, 2007

The regular meeting of August 13, 2007, was called to order by Chairman Barry Winston at 7:45 p.m. The notice of the Open Public Meetings Law was read.

Roll Call

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

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

Approval of Escrow Bills

Upon motion by Todd Malkin and a second by Michael Cohen, the escrow bills were unanimously approved. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Honey Morgenstern, Michael Cohen, Chairman Barry Winston, Phil Cassidy

Approval of Minutes

Upon motion by Todd Malkin and a second by Michael Cohen, the work session minutes of July 16, 2007, were unanimously approved. AYES: Harvey Rubinstein, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston, and Phil Cassidy
Abstain: Peter Kortright III, Honey Morgenstern

Upon motion by Michael Cohen and a second by Todd Malkin, the minutes of the regular meeting of July 16, 2007, were unanimously approved. AYES: Harvey Rubinstein, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston, and Phil Cassidy
Abstain: Peter Kortright III, Honey Morgenstern

Phil Cassidy noted that he voted on the application on July 23, 2007. Upon motion by Todd Malkin and a second by Phil Cassidy, the minutes of the special meeting of July 23, 2007, as amended were unanimously approved. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Chairman Barry Winston, and Phil Cassidy
Abstain: Michael Cohen and Honey Morgenstern

Memorializing Resolutions

Alex Dacula; 23-23 Broadway; Block 3324, Lot 17; food handler

The Board Attorney explained the memorializing resolution. Upon motion by Todd Malkin and a second by Deputy Mayor Marty Etlar, the memorializing resolution was unanimously approved. AYES: Harvey Rubinstein, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Michael Cohen and Chairman Barry Winston

Enders; 7-07 Fair Lawn Avenue; Block 5718, Lot 28; food handler

The Board Attorney explained the memorializing resolution. Upon motion by Todd Malkin and a second by Deputy Mayor Marty Etlar, the memorializing resolution was unanimously approved. AYES: Harvey Rubinstein, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston

Rahuba; 2-36 29th Street; Block 3308, Lots 5-9; minor subdivision

The Board Attorney explained the memorializing resolution. Upon motion by Michael Cohen and a second by Deputy Mayor Marty Etlar, the memorializing resolution was unanimously approved. AYES: Deputy Mayor Marty Etlar, Joseph D'Arco, Michael Cohen and Chairman Barry Winston

General Public Comment

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

Radburn Deli; 14-35 Plaza Road; Block 3722, Lot 1; food handler

Shanjeev Shah was sworn in and explained that he bought an existing deli business and is going to run it the same way.

Honey Morgenstern asked about the deliveries and Mr. Shah explained that the only large truck was the beer delivery. Chairman Barry Winston asked about the seating arrangements for customers and Mr. Shah explained that he was not adding any seats. He stated the hours of operation will be 6:00 a.m. to 10:00 p.m., Monday through Saturday and 6:00 a.m. to 7:00 p.m. on Sunday.

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

Peter Kortright III, moved that the application be approved as presented noting that there will be no 18-wheeler tractor trailers. Todd Malkin seconded the motion which was unanimously approved. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Honey Morgenstern, Michael Cohen, Chairman Barry Winston, Phil Cassidy

Sammy's Bagels; Louiza S. Carneiro; Block 5722, Lot 2; 17-59 River Road

Board Attorney Douglas Bern was recused.

Louiza Carneiro was sworn in. She explained that they were buying an existing place and keeping it as is. They are keeping the current seating.

Chairman Barry Winston opened the matter to the public.

Ann Silklotsky; 7-12 Cross Meadows Drive, stated that there have been problems with garbage dumping. It tumbles over into the back of her unit. She would like assistance in getting it cleaned up. Chairman Barry Winston explained that this is an enforcement issue and that the landlord is Arthur Levine. There are avenues to pursue such as the Health Department and property maintenance. Chairman Barry Winston added that it was good that the resident was making the new owner aware of the problem. Deputy Mayor Marty Etler added that if there is a problem, the Health Department has inspectors go out daily.

Chairman Barry Winston asked the applicant to briefly explain the garbage disposal. Ms. Carneiro explained that the dumpster is in an area with the other dumpsters for the entire strip mall. Ms. Silklotsky stated that she does not know exactly whose garbage is in her yard.

Harvey Rubinstein asked about the carting service and Ms. Carnero stated that Pinto Services picks up every three days. Harvey Rubinstein noted that there are several other food stores in the strip mall.

Cindy Blinn explained that there is also a noise problem. They would have children playing on the parking lot all day on the weekends while their parents work. Ms. Carneiro stated that they have no children and that would not be an issue.

Peter Kortright III, explained that there are local litter rules. He suggested that they speak to the Board of Health and/or Borough Manager.

Chairman Barry Winston told the applicant that he should listen to the concerns of the neighbors.

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

Upon motion by Todd Malkin and a second by Michael Cohen, the application as presented was unanimously approved AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Honey Morgenstern, Michael Cohen, Chairman Barry Winston, Phil Cassidy

Jennifer Pina; 27-03 Broadway; Block 3312, Lot 25; food handler

Jennifer Pina was sworn in. She explained that she will be converting the pizzeria to Cuban style food. The hours of operation will be 10:00 a.m. to 8:00 p.m. daily. There will be no additional seats. Chairman Barry Winston opened the matter to the public and no public wished to be heard.

Peter Kortright III, moved that the application be approved. Todd Malkin seconded the motion which was unanimously approved. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Honey Morgenstern, Michael Cohen, Chairman Barry Winston, Phil Cassidy

Zheng; 7-09 A Fair Lawn Avenue, Block 5718, Lot 28

Shun Chang Zheng was sworn in. Gerald Platt of 21-00 Morlot Avenue was also sworn in. Mr. Platt explained that Mr. Zheng is planning to open a Chinese restaurant in the store next to the gluten-free food store. Mr. Zheng stated it will be take out only. Harvey Rubinstein reminded the applicant to be aware of all the venting issues. The applicant explained that everything will be done according to Code. Mr. Platt explained the garbage pickup due to the limited space. The sign will also be to Code. There will be several garbage cans put out twice a week. Harvey Rubinstein asked about the cooking oil barrels and it was explained that a service will come to pick it up.

A modified survey was marked as Exhibit A-1. Chairman Barry Winston reminded the applicant that the garbage needs to be stored and disposed of properly. Chairman

Barry Winston expressed concern about a fire hazard. Mr. Platt explained that the area is completely enclosed in cinder block and the new code requires sprinklers. Peter Kortright III, expressed concern about the garbage.

Chairman Barry Winston opened the matter to the public.

Craig Miller, 5 Ramapo Terrace asked whether the basement was fire proofed and how often the oil was picked up. Mr. Platt explained that the basement is cinderblock and once a week the oil is picked up. Joseph D'Arco asked about putting a sprinkler head over the garbage. Mr. Platt explained that it is a dry sprinkler system but that could be accomplished.

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 subject to approval by the Fire Department and the Board of Health, a sprinkler to be over the garbage area, hours of operation to be Monday through Thursday 11:00 a.m. to 10:30 p.m. and Friday and Saturday 11:00 a.m. to 11:00 p.m. Letters should be obtained from the Fire Department and Board of Health that all is satisfactory. Todd Malkin seconded the motion which was adopted. AYES: Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Phil Cassidy, and Chairman Barry Winston NAYS: Harvey Rubinstein, Honey Morgenstern

Gorodokin; 24-07 Broadway; Block 3321, Lot 24, site plan

It was announced that this matter would be carried to the September 10, 2007, meeting.

Upon motion by Honey Morgenstern and a second by Todd Malkin the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl