

REGULAR MEETING OF SEPTEMBER 10, 2007

The regular meeting of September 10, 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, Michael Cohen, Chairman Barry Winston, Phillip Cassidy, Alan Neggia, Larry Metzger Late: Honey Morgenstern

Also present: Board Engineer John Rottenbacher, 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 Etlar, Todd Malkin, Joseph D'Arco, Honey Morgenstern, Michael Cohen, Alan Neggia, Chairman Barry Winston

Approval of Minutes

Upon motion by Todd Malkin and a second by Joseph D'Arco, the work session minutes of August 13, 2007, were unanimously approved. AYES: Harvey Rubinstein, Alan Neggia, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Michael Cohen, Chairman Barry Winston, Peter Kortright III Abstain: Larry Metzger

Upon motion by Michael Cohen and a second by Todd Malkin, the minutes of the regular meeting of August 13, 2007, were unanimously approved. AYES: Harvey Rubinstein, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Michael Cohen, Alan Neggia, Chairman Barry Winston and Peter Kortright III Abstain: Larry Metzger

Memorializing Resolutions

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

The Board Attorney explained the memorializing resolution. Upon motion by Todd Malkin and a second by Michael Cohen, the memorializing resolution was unanimously approved.

AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Phillip Cassidy and Chairman Barry Winston

Sam's Bagels; Luiza S. Carneiro; Block 5722, Lot 2; 17-59 River Road; food handler

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

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

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

Shun Chang Zhang; 07-09 A 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 Michael Cohen, the memorializing resolution was unanimously approved. AYES: Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Phillip Cassidy and Chairman Barry Winston

92 Route 46 Realty; 17-09 Zink Place, Block 4301, Lot 1.01, site plan

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

General Public Comment

Chairman Barry Winston opened the matter to the public and Michael Cohen asked about tractor trailer enforcement. It was noted that an applicant can voluntarily agree to prohibit tractor trailers. As no other public wished to be heard, the time for public comment was closed.

Leonard Spivak; 12-56 River Road; Block 5613, Lot 10; food handler

Leonard Spivak, 41 Rys Terrace was sworn in. Arsen Mirochick, son of the owner was also sworn in. Mr. Spivak explained that they plan to open a creperie in Fair Lawn. It will create a unique place. He stated that he lived in Fair Lawn over 25 years and believes this type of upscale establishment would be good for Fair Lawn. There will be an assortment of coffees. He explained that the cooking of crepes is minimal and the exhaust system will be to Code. Mr. Spivak stated they will not be roasting their own coffee beans. He explained that they will be occupying two stores consisting of a little over 1,400 feet. There will be a dumpster in the dumpster area that will be picked up by a private carter three times a week. Mr. Spivak explained the banquet booth which seats two or three people in a semi-circle. Harvey Rubinstein questioned the parking situation, and Mr. Spivak stated he did not think parking would be an issue. Mr. Mirochick testified that the owner of Amira Fruits & Vegetables (with over 20 spaces) has given him a letter stating that in the event overflow parking is needed, the patrons can park in his lot. Board Attorney Douglas Bern requested that the Board secretary be given a copy of the letter.

Todd Malkin asked about the number of employees and Mr. Spivak explained that it will be a family owned business with family serving as employees. Mr. Mirochick added that it will probably be called Crème de le Crepe. The hours of operation will be 7:00 a.m. to 10:00 p.m. weekdays and 7:00 a.m. to 11:00 p.m. weekends.

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

Todd Malkin moved that the application be approved as presented and testified to by the applicants. Michael Cohen seconded the motion that was unanimously approved. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Michael Cohen, Alan Neggia, Larry Metzger and Chairman Barry Winston

Gorodokin Medical Office; 24-07 A Broadway; Block 3321, Lots 24, 25 & 29.01; site plan

Honey Morgenstern joined the meeting.

Ira Levine appeared on behalf of the applicant. He explained that in the applicant's prior approval, the testimony was that the basement was going to be used for an operatory. The doctor is moving those procedures to a second floor. There is no significant increase in usable space. Mr. Levine explained that essentially the same number of rooms in the basement will be on the second floor.

Harvey Rubinstein asked about the patients. Mr. Levine explained there is only one doctor in the office. The office manager will testify that there are no more than three patients in the waiting room at any given time. The office manager lives on Plaza Road and walks to the office. Board Engineer John Rottenbacher was asked if the fifteen foot wide easement precludes any parking. Board Engineer John Rottenbacher explained that there are eight spaces against the building and the easement doesn't appear to restrict the flow as cars can back out and turn around. The applicant was reminded that the spaces need to be striped per the original approval. Mr. Levine stated the doctor's lease expires in February so he is anxious to begin construction. Phillip Cassidy reminded the applicant that he is to post a notice that there is parking in the rear.

Honey Morgenstern asked about the rear entrance and was assured that the doctor's office would be accessible from the rear. Harvey Rubinstein reminded the applicant that he is required to re-stripe the parking lot and to have one space designated handicapped.

Fred Klenk, an architect with offices at 684 Route 208 in Franklin Lakes, was sworn in and qualified as an expert architect. He explained that the site plan remains the same. Dr. Gorodokin asked him to design a second floor to the existing building to move his operatory area out of the basement. The basement is rather moist and below grade. The second story is exactly the same footprint. Mr. Klenk explained there is a system of entrances from the rear and the streetscape in the front. Anyone entering has access to the reception area. The doctor has two distinct floors that have separate functions. Patients come in for consultation on the second floor. Mr. Klenk added there is a high percentage of nonpublic space on each floor. The parking would be sufficient on a net area basis. The façade will be contemporary with a flat roof structure and the rear will be designed in a similar manner. The basement is there currently but the applicants proposes the elevator to go down to that level for storage use only. Pictures of existing conditions as well as the proposed elevation was presented as Exhibit A-1 and Mr. Klenk testified he took the pictures. Board members reviewed Exhibit A-1.

Harvey Rubinstein asked about the height of the building. Mr. Klenk explained that the proposed building is 25 feet high and the existing building is 17 feet high.

Dennis Cummins, Esq., 24-07 Broadway, asked what was to be done about drainage. Mr. Klenk explained that there will be a seepage pit. The drainage will go directly into the seepage pit. In response to Mr. Cummins question, Mr. Klenk explained there will be a flat roof. Mr. Cummins also asked if anybody investigated the dampness in the basement as it may be a drainage problem. Mr. Klenk explained that the basement is unoccupied and is not ventilated so moisture is trapped. Mr. Cummins added that there is a hair salon and dog grooming place and their patrons use these spaces. Chairman Barry Winston pointed

out that they would be parking illegally and no one present was claiming the right to park on that private property. Mr. Cummins explained that on Friday and Saturday, the place overflows with traffic. When the building was previously occupied, there were problems.

Olena Tokar, office manager, 0-61 Plaza Road, Fair Lawn was sworn in. She explained that she has been the manager for 6½ years. There is also a medical assistant on the premises and, there is an aesthesiologist on Saturdays. Dr. Gorodokin typically sees two to three patients in one hour. Ms. Tokar testified that it is very rare that there are more than three people in the waiting room. The procedure takes approximately 20 to 40 minutes. While the doctor is attending to one patient, there may be one or two waiting.

Dennis Cummins asked if the doctor could stipulate that there would be only one physician at a time. Mr. Levine indicated that there is an intention that there only be one physician at a time. Dr. Gorodokin is a sole practitioner and it would be unusual to have additional physicians. Mr. Cummins explained that he has four spots and his individual spot is next to the applicant's building.

Todd Malkin asked about the previous user and Mr. Cummins explained it was a retail business who sold telephone cards. Todd Malkin commented that it is a very different type of user. Mr. Cummins replied that the user had less traffic than a doctor. Michael Cohen explained that this is a practice for a specific scheduled procedure and is not a typical office where people can walk in if they are ill.

Larry Metzger commented that some of the public comments are speculation and he cannot make his decision based upon speculation.

Betty Hersch of 1-11 Graunnauer Place stated that she has taken pictures of the traffic and the parking lots. There is a major issue with parking in her neighborhood even blocking her driveway at times.

Chairman Barry Winston explained that the applicant has a right to establish a business there. The problems with parking are not caused by this applicant but by other establishments. Chairman Barry Winston added the remedy is to call the police.

Dennis Cummins suggested permit parking on Graunauer and Chairman Barry Winston stated that was the Council's and not the Board's purview.

Ms Betty Hersch explained that her house directly abuts the property. The hair salon patrons park in that lot and all over the street.

Honey Morgenstern stated that you can't penalize this applicant for other establishments. She added that this will be a more modern looking building.

Peter Kortright III, suggested that Ms. Hersch get her neighbors together to approach Council since this is a more regional issue. It is not that the Board members are unsympathetic to her plight but that it has little to do with this particular application.

Harvey Rubinstein stated there is striping and signage issues and he would like to know where the signs would be placed. It was suggested that the signs be freestanding on stations and subject to the Board Engineer's approval.

Don Smartt for the Broadway Improvement Corporation stated they encouraged cooperative signage and striping.

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 was approved subject to the striping the lot, freestanding signage and the conditions of the original approval. AYES: Harvey Rubinstein, Peter Kortright III, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Michael Cohen, Alan Neggia, Larry Metzger and Chairman Barry Winston.

Adjournment

Upon motion by Todd Malkin and a second by Honey Morgenstern, the meeting was unanimously adjourned at 9:45 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl