

## **REGULAR MEETING OF JULY 13, 2009**

The meeting was called to order by Chairman Peter Kortright at 7:00 P.M.

The notice of the Open Public Meetings Law was read.

### **Roll Call**

Present: Chairman Peter Kortright, Scott Osback, Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph D'Arco, Absent: Joseph Baladi, Phillip Cassidy, Larry Metzger

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel

### **Approval of Escrow Bills**

Upon motion by Todd Malkin and a second by Barry Winston, the escrow bills were unanimously approved. AYES: Chairman Kortright, Scott Osback, Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph D'Arco.

### **Approval of Minutes**

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain the minutes of the June 8, 2009 work session were unanimously approved. AYES: Barry Winston, Deputy Mayor Lisa Swain, Joseph D'Arco, Baruch Gadot, Honey Morgenstern, Joseph D'Arco, Todd Malkin Chairman Kortright. Abstain: Scott Osback

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the minutes of the regular meeting of June 8, 2009, were unanimously approved. AYES: Barry Winston, Deputy Mayor Lisa Swain, Joseph D'Arco, Baruch Gadot, Honey Morgenstern, Todd Malkin, Abstain: Scott Osback and Chairman Kortright.

## **General Public Comment**

Chairman Kortright opened the matter to the public and no public wished to comment.

### **Broadway Medical Group, 22-18 Broadway, Block 3226.01, Lots 27 and 28**

Stuart Liebman, Esq., appeared on behalf of the Broadway Medical Group, 22-18 Broadway and explained that approval was granted by this Board in December. That application included retail in front and medical offices. There also was 4,250 of general office space that the applicant now wants to use as medical space. There are very heavy parking requirements associated with medical use in Fair Lawn. There were some existing non-conformities that the applicant is not changing. The applicant would like to take the general office space and use it for medical purposes. The applicant is not changing anything except converting the general office space which could have been lawyers, accountants, etc. The parking variance has increased by 13 spaces by this conversion. The schedule of Bulk requirements, B-2 business zone was marked as Exhibit A-1. Mr. Liebman referred to the document and explained the parking calculations in detail. Mr. Liebman also added that during demolition, the architect determined some structural changes needed to be made to the third floor. It is not bigger but the height will be increased. The applicant is making an application to the Zoning Board for the height variance.

Douglas Polyniak, 792 Chimney Rock Road, Martinsville, New Jersey was sworn in and qualified as an expert engineer and traffic engineer. He explained that when his firm looked at the site for the original application they did an analysis of the building as though it was 100% medical use. Typically medical sites require 3.36 per 1,000 square feet. Based upon that standard, the medical portion would require 83 parking spaces. The small retail plaza would require 17 spaces for a total of 100. With the change in the uses, they applied those same ratios and there is no change in the demand. One hundred parking spaces would be the peak demand for the site and 101 spaces are proposed. There will be sufficient parking at the site. The study is also based upon gross floor area. Mr. Polyniak testified that, if anything, there will be a fractional decrease in demand with the conversion of office space to medical. He added that the variance can be granted without any impact to the surrounding area.

Todd Malkin asked the average time a car is parked and Mr. Polyniak stated that although he does not have an exact time period, typically, as one person leaves, another person arrives. Baruch Gadot asked about the difference in the calculations from the Borough's code and the standards applied. Chairman Kortright indicated that the Board did accept the applicant's testimony and calculations at the prior hearing.

Honey Morgenstern asked if the facility could be similar to Quest Diagnostic since the patient is there for many hours and offices can be filled. Mr. Liebman stated his client was out of the country. He did not think it would be that type of facility. The owner is a cardiologist. There is no proposal to be dedicated diagnostic facility. Chairman Kortright pointed out that the Board should be considering only the conversion of the small office area to a medical use.

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

Barry Winston asked if it would be an out patient facility and Mr. Liebman stated there will be no overnight patients. Deputy Mayor Swain asked if there would be reserved parking and was told there would be open parking.

Peter Kortright commented that the DOT was slow and unresponsive to the request for improvements to the intersection. Chairman Kortright asked that the applicant provide a better turning radius at the one-way entrance. Mr. Liebman indicated that the applicant would have no problem providing a larger radius provided all the appropriate approvals can be obtained.

Todd Malkin moved that the application for the additional parking variance for 13 spaces be approved subject to the radius of the one-way entrance being improved. Scott Osback seconded the motion which was unanimously approved. AYES: Chairman Kortright, Scott Osback, Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph D'Arco.

## **Adjournment**

Upon motion by Todd Malkin and a second by Honey Morgenstern, the meeting was unanimously adjourned at 8:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board  
CH:mc