

SPECIAL MEETING OF JULY 20, 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, Larry Metzger, Honey Morgenstern, Joseph Baladi, Joseph D'Arco,
Absent: Philip Cassidy, Baruch Gadot

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Asst. Secretary Michele Coles

10-16 River Road; Block 5509, Lots 10-19

Harold Leopold appeared on behalf of the applicant. He submitted the original proof of publication. He explained that his client currently leased two spaces – one to a convenience store and one to a title company. His client hoped to rent an additional space for a cafe type restaurant. He explained that their calculation indicated that the applicant would require 35 parking spots. They are seeking a 25% discount based upon the cooperative parking agreement. He explained the cooperative agreement which provides an additional five spots. He explained that his client was looking to improve the area. The cooperative parking would be for employees only. The Board Engineer pointed out that there were fifteen spots on site and five proposed off site. Chairman Kortright was concerned about the stacked parking and noted these concerns were raised at the work session. He added that this application was mainly about parking. Barry Winston explained the original approval process. Todd Malkin explained that the original application indicated that the space was to be retail and a restaurant use changes the application.

Nicholas Kondo was sworn in and stated he was the owner of the property. He stated there was no formal site plan because there was no expansion to the building. They are simply looking for approval of the cooperative parking agreement and the use of those spaces. Mr. Kondo explained that he purchased the neighboring single family house after the original approval. The overall picture has changed since the market has changed tremendously. He is considering building offices. As far as 10-16 River Road, they hope to rent out the spaces. Board Engineer Tichacek explained the site in detail. Chairman Kortright indicated that problems would be solved if the house was demolished and parking created. Mr. Kondo explained that simply creating a parking lot would not be cost

effective. Deputy Mayor Swain asked about the parking fee and it was explained that if the property was sold, the subsequent owner would receive the fee. Honey Morgenstern suggested that the south side be paved. Ms. Morgenstern added that the Board granted the original approval based upon the fact that retail use was going into that building. She was concerned about a restaurant since patrons stay longer. Chairman Kortright asked if the applicant approached the County and was told no. Todd Malkin asked about the parking calculations and Board Attorney Tichacek explained them in detail. It was noted that the building was not completely occupied at this time. Larry Metzger asked about the safety of tandem parking. Todd Malkin stated jockeying five vehicles on a busy road would create safety issues. Mr. Leophold indicated that his client was simply improving the property and was not asking for much. It is a plus for the over-all area.

Deputy Mayor Swain stated that although there may not be problems with the parking at the current moment, the site is not fully occupied. Barry Winston stated that the property has changed greatly over the years and this is a more intense use. The applicant indicated that if the Board was uncomfortable with this parking arrangement, the applicant will seek to rent spaces from the Borough of Fair Lawn.

Chairman Kortright opened the matter to the public.

Ed Feldman stated that five years ago the applicant stated that absolutely no restaurants would be in the building. He questioned whether the applicant already sought their permits. Mr. Kondo stated that originally he did not know the tenants that would occupy the site.

A resident asked about the parking and felt it would be a safety hazard. He also suggested that a lay-out should have been presented to the Board indicating the circulation of those five spots.

Leonard Pisaniello, 7-10 Harrison Drive asked if the plan is for the deliveries to disrupt the parking lot. He stated that this morning there was a large trailer in the lot, blocking the customers from the lot. Chairman Kortright indicated that deliveries were required to take place on off hours. The applicant will inform the tenant.

Victoria Alberta, 7-07 Harrison Drive, asked about the excessive traffic which has made it difficult to turn onto River Road from Harrison Drive. The applicant indicated that different uses will compliment the area.

William Farrety of 5-19 6th Street asked about the litter and security at Krausers. The applicant stated that they have the landscaper come once a week plus they have installed video surveillance on the side of the building.

Victoria Alberta, 7-07 Harrison Drive, stated that restaurants create much more garbage than retail uses and office spaces. She asked how the applicant intends to take care of the garbage since it is already a problem. The applicant stated he would have the garbage picked up more frequently if it became necessary.

Demetrios Stratis, 10-04 River Road, asked where the restaurant was proposed and the applicant indicated it was the middle unit. He commented that if a patron passed the site they would likely park at 10-04 River Road. He asked if the applicant was aware of children congregating by the building, and the applicant said that he was but Krauser's has only been there a short time and they should be given time to deal with the problem. Douglas Bern stated that some of the issues raised are enforcement issues and the Board should be more directed to the parking issues. Mr. Stratis asked if the applicant was aware that as many as six vehicles park on the southern property. Mr. Stratis also asked if the residence at 10-30 River Road were demolished wouldn't the applicant have enough parking.

A resident asked about the ripped up pavement and the applicant explained that they accidentally covered too much of the property and exceeded the impervious coverage allowed.

Ms. Muse of 6th Street asked when the issues regarding drainage into her backyard would be resolved. It was explained that this is a code enforcement issue and not a Planning Board issue.

A resident asked how they would coordinate the tandem parking and the applicant indicated they would coordinate it with the various employers. The resident felt it would not work in a proper manner.

Board members had questions how this plan could be implemented considering that employees would have very different hours. The applicant indicated he could include it in the lease and perhaps employees of the same entity could park one behind the other.

A resident of Harrison Drive asked if this restaurant is called a cafe and is it similar to Starbucks. The applicant stated that it was. The resident pointed out that the hours would then be similar to Krausers in that it would be open early for coffee. The parking would not work.

Mr. Shah, 8-02 Harrison Drive, stated that all the cars park on Harrison Drive and it is difficult to come out on River Road.

Chairman Kortright asked if there was any additional testimony and was told no.

The cooperative lease agreement was marked as Exhibit A-1. The proposed notice to tenants was marked as Exhibit A-2. A location survey of 10-30 River Road dated 12/09/05 was marked as Exhibit A-3. Todd Malkin asked about the markings on the survey and was told the applicant made them. He had concerns that the survey was not to scale and whether the parking would actually fit properly.

Chairman Kortright opened the matter to the public for comment.

Ms. Alberta stated that she thought a restaurant in that site would be a problem. She was concerned about safety and the traffic.

Mr. Stratis stated that many residents use his parking lot as a turn around and he felt this will only be exasperated by a restaurant use.

A resident indicated they were concerned with the traffic.

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

Barry Winston moved that the application be denied on the basis that the request for cooperative parking is only a small aspect of the approval granted five years ago. He stated that he doesn't believe it benefits the neighborhood and does not believe the applicant has met the burden of proof. Todd Malkin added that he does not believe the parking is safe and thinks it will not work. Larry Metzger seconded the motion which was unanimously approved. Deputy Mayor Swain stated she hoped the applicant would come back with an improved plan that worked for everyone. AYES: Scott Osback, Todd Malkin, Barry Winston, Deputy Mayor Swain, Joseph D'Arco, Joseph Baladi, Honey Morgenstern, Chairman Kortright

Mr. Kondo asked how a food handler application would be processed and Chairman Kortright directed him to file an application with the Board Secretary.

Adjournment

Upon motion by Todd Malkin and a second by Honey Morgenstern, the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

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