

## **WORK SESSION OF AUGUST 10, 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, III, Scott Osback, Todd Malkin, Barry Winston (late), Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph Baladi, Phillip Cassidy, Larry Metzger. Absent: Honey Morgenstern

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Clerk Michele Coles

### **20-01 Maple Avenue; Block 5828 Lots 30-33; conceptual**

Muhammed Ahmed indicated that his father owned the building. In 1993 he established a computer company and has been running the business out of that location. He was unaware that he needed a C.O. to do so. He also planned to expand the parking. The property neighbors Acorn Tire. He explained the existing spots and the new spots. He also said he would like to put up a white vinyl fence. There is a tree that would need to be removed. Todd Malkin asked whether trees could be planted on the property. He explained there are some smaller trees in the front that they would like to replace with larger trees. Todd Malkin stated that since he was expanding the parking lot, the Board would also like to see landscaping. The oil tank was removed and now there is a clean up in process. On the Chester side, trees might be able to be planted. Chairman Kortright stated that this will require a Board Engineer and County approval since it is on Maple Avenue. The Engineer should prepare a site plan to be submitted. The key issues will be the parking spaces, configuration and the greenery.

Douglas Bern explained that if the owner of the building applies as an individual, he does not require an attorney but if a corporation applies, the law requires that it has an attorney. The Board made several suggestions for improvements. The Chairman stated that a site plan application needed to be filed with the Board. He asked about using the small data center in the building. Chairman Kortright explained that it will all become one issue upon submission of the application.

### **Sephardic Center**

Barry Winston stated that the applicant has shown nothing but contempt for the Planning Board. He stated that they made promises many years ago and still the buffering has not been accomplished. They removed trees that were not supposed to be removed. He would like to see them fined for every month that they have been in operation without compliance with the memorializing resolution. Board Engineer Tichacek indicated that

the applicant decided arbitrarily that a buffer wasn't needed. He believes that the Building Department is now on top of the situation. Chairman Kortright pointed out that the Planning Board does not have the power to fine. Douglas Bern stated that the Board could send a memo to the Construction Official stating their position. It was requested that a memo be written to the Construction Office with a copy to the Mayor and Council and Borough Manager that the Board strongly feels that the applicant has not put a good faith effort in compliance with the buffering requirement and feels that the applicant should be penalized for noncompliance.

**Adjournment**

Upon motion by Todd Malkin and a second Baruch Gadot, the meeting was unanimously adjourned at 7:35 p.m.

Respectfully submitted,

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

CH:mc