

REGULAR MEETING OF SEPTEMBER 14, 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, Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph Baladi, Larry Metzger, Joseph D'Arco Absent: Scott Osback, Phillip Cassidy, Honey Morgenstern

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

Approval of Minutes

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the minutes of the work session of August 10, 2009 were unanimously approved. AYES: Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph Baladi, Larry Metzger, Chairman Peter Kortright. Joseph D'Arco

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain the minutes of the regular meeting of August 10, 2009, were unanimously approved. AYES: Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot, Joseph Baladi, Larry Metzger, Joseph D'Arco, Chairman Peter Kortright

Chairman Kortright announced that the applicant EZ2 Collect will be carried to October 5, 2009, without further notice.

Peace Korean Reformed Church, 39-23 Fair Lawn Avenue, Block 1710, Lots 11

Chairman Kortright stated that the Peace Korean Reformed Church application would now be heard. Larry Metzger recused himself from the application. Jared Lans of the law firm of Strull and Lans appeared on behalf of the Peace Korean Reformed Church. This is a site plan application related to an addition to the existing church. The existing conditions of the site are a church and a parsonage where the pastor of the church resides and a parking lot facility.

Mr. Lans stated that this is an opportunity to improve the site. The application seeks an addition for a fellowship hall, office and recreational center for the congregants and it improves the parking lot structure, including improving lighting and drainage and providing

handicap spaces. The application includes variances for a minimum side yard. The existing parsonage building is 12-foot 4-inches setback from the side yard where the required side yard is 15. The second variance sought is an off-street parking variation. The existing site has 134 seats in the sanctuary so 45 are required. Presently there are 39 spaces and 36 are proposed. They have an understanding with the temple for overflow parking when necessary. Finally, there is a design waiver with respect to the parking in the set back area.

Chul Paek, 100 Winston Drive, Cliffside Park, New Jersey was sworn in and stated that he is a trustee of the church. He indicated his parents have a flower shop on Saddle River Road and they've been in business since 1991. He is very familiar with Fair Lawn. He explained that the church has been in Fair Lawn since 1992. On Sundays the service starts at 9:00 a.m. and the second service starts at 11:00 a.m. The average attendance at 9:00 a.m. is 40 members and 80 at 11:00 a.m. Monday through Saturday there are daybreak services starting at 6:00 a.m. and approximately 30-40 people attend. He stated that most members live in Bergen County. He explained that the pastor and wife live in the parsonage with their three children. There are bible studies after the service and the children do not have enough space. The new space will be used for fellowship classroom, conferences and church members meetings. Mr. Paek testified that the church will not rent out this space to third parties. He also testified that the added space would be used at different times from the services. Mr. Paek also stated that the church has never had any problems satisfying its parking needs. Occasionally, they have used the temples lot but never more than 15 spaces. Mr. Lans explained that there is an unwritten agreement with the temple that the church can use up to 24 spaces. Barry Winston stated that there is a history of various individuals offering parking spaces to a number of houses of worship. This Board does not know what is available. He added that he would like to see a site plan from Temple Beth Shalom.

The Board Engineer added that the Board needs to be assured that there is overflow parking available from the temple.

Deputy Mayor Swain stated that they have had similar applications from a religious institution and they have obtained an agreement from the congregation across the street and showed evidence of the available parking. They also secured arrangements with the Board of Ed. She suggested the applicant look at Edison School.

Todd Malkin added that the applicant needed to submit a parking plan.

Ms. Hochkeppel explained that another applicant took pictures on a regular basis to show the availability of the parking and the hours of availability.

Chairman Kortright explained that the Board was looking for some proofs.

Baruch Gadot suggested that they might be able to add parking at the back of the lot and solve a lot of the problem.

Board Engineer Tichacek stated that there is some need for clarification as far as the calculations of the required parking. The applicant is saying that 45 are required, however, that is in conjunction with the agreement of the Board that there's never any joint use of the fellowship hall and the sanctuary at the same time, because the 45 is strictly for the sanctuary alone. A strict interpretation of the code, from an assembly area, requires one parking spot for every 15 square feet which would result in 139 parking spaces.

Attorney Doug Bern added that some board's accept a stipulation of non-simultaneous use. Some boards do not accept that. Some board's would want a parking calculation based on the entire building space because they can't police it.

In response to Deputy Mayor Lisa Swain's question, Mr. Paek explained that there were approximately 120 members. Mr. Paek added that the people in the sanctuary will be the same people who will move to the hall. There will be no additional cars. Mr. Paek explained that approximately 40 people attend the 9:00 a.m. service and the second service starts at 11:00 a.m. There is no fellowship after the 9:00 service. At approximately 12:00 p.m., there will be fellowship and the 11:00 a.m. worshipers go to fellowship. Mr. Paek explained that since 1992 they never needed the 24 parking spaces even at their busiest times. There was not more than a 10 car overflow. He stated that people can park at his parents flower shop at 13-07 Saddle River Road which could provide additional spaces.

Mr. Lans stated that they would like nothing more than avoiding the temple issues, if the temple has problems.

Mr. Winston added that he would like something in writing from Cliff Garden.

Chairman Kortright opened the matter to the public.

Craig Miller, 5 Ramapo Terrace asked if the applicant has a parking agreement with the temple and if there is any enforcement that the Board can do since he noticed that their parking lot is very lightly striped.

Attorney Bern stated that it is difficult to impose conditions when they are not the applicant.

Mr. Paek stated that he owns the florist and he will allow people to park in his lot.

Chairman Kortright announced that the application of Hajjar Medical Building, 15-01 Broadway will be carried to October 5th without further notice.

Chairman Kortright recessed the meeting for 5 minutes at 9:00 P.M.

Rick Eichenlaub, PE, RL Engineering, 24 Wampum Road, Suite B, Park Ridge, New Jersey was sworn in and qualified as an expert engineer. The site plan dated April 7, 2009 signed June 11, 2009 was marked as Exhibit A-1. A colored rendering of the landscapes lighting plan was marked as Exhibit A-2. Mr. Eichenlaub explained the plans in detail. He explained the parking configuration and the drainage system. They are proposing to curb the entire parking lot, which will prevent the runoff that presently exists. Mr. Eichenlaub explained the landscape and lighting plan which he testified was an improvement. There will be a white vinyl fence across the rear property line and down the westerly side property line to the front of the church. Mr. Eichenlaub indicated there is an existing non-conformity on the front southeast corner of the residence which is within 12.4 feet of the side property where 15 feet is required. Mr. Eichenlaub further explained that there are 39 parking spaces. With the improvements being proposed, and the fact that they are on a county road, they have set the parking back 20 feet from the property line, which is the requirement by the county. With the addition, they lose an additional spot. Under the proposed conditions, there will be 36 parking spaces. Presently the parking is set back 15 feet. He also stated that the driveway was being improved. The applicant is also looking for design waiver for parking in the front yard setback.

Mr. Eichenlaub testified that the new configuration will be much safer. There was a lengthy discussion regarding the parking requirements. Mr. Eichenlaub stated that this multi-purpose room would not be used simultaneously with the Church so at no time would they need parking for both the church as well as the multi-purpose room. He added that the impact to the neighbors would be minimal. The parking has been pulled forward off the rear property line. They plan to screen the sheds which presently are unscreened.

Chairman Kortright asked if it was possible to connect to a sewer as opposed to septic. Mr. Eichenlaub explained that there was never a sewer main brought down Fair Lawn Avenue and there is no sewer servicing in front of this site.

Chairman Kortright asked if there was anyway you could shift the parking lot so it is totally rectangular.

Mr. Eichenlaub explained that they had to adjust the parking lot to accommodate the addition. Chairman Kortright suggested that additional parking be considered.

Mr. Eichenlaub stated in order to get additional parking, they would have to bring the driveway further to the north encroaching more into our rear yard setback or buffer area. The engineer stated he might be able to get 4 more stalls.

Deputy Mayor Lisa Swain asked about the impact of the lighting on the neighbors. Mr. Eichenlaub stated that the lighting has been pulled away from the back stalls. He further stated that they pulled the lighting away and the lanterns are similar to the type in a residence. There is no light spillage to the neighbors to the north.

Barry Winston asked how long the lights would be on and was told at the latest on a Friday evening, it would be 10:30 P.M., during the weekdays it would be 10:00 P.M.

Joseph Baladi suggested that they add a double yellow line in the drive way to further define the travel way.

There was a discussion about wheel stops and Todd Malkin suggested that the curb be taller. Mr. Eichenlaub suggested that the curb be pushed out another 2 feet to allow for that 2 foot overhang.

There was additional discussion about the parking requirements Board Engineer explained that if a multi-purpose use is the appropriate use for a parking calculation that would require 17 spaces for the addition for a total requirement of 62 spaces. If the Board accepted non-simultaneous use, then the calculation would be based on the sanctuary and would require 45 spaces.

Attorney Doug Bern commented that the applicant has stipulated that the facilities will not be used simultaneously.

Mr. Gadot suggested that the applicant look at all possibilities relative to adding parking.

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

Richard Molinari, Architect – 26-02 Broadway was sworn in and qualified as an expert architect. Mr. Molinari explained that he prepared the architectural drawings. He explained the 2800 square foot addition is handicapped accessible. He further stated it was a 40 by 52 foot multi-purpose room. The intention was to stripe a half Court area for basketball, not for recreational leagues, for the children of the congregation to have fun

and play. He further explained that it is customary in the Asian community churches they all have lunch together and they would break up into committees. They do not now have appropriate space.

Mr. Molinari added that it is not to be used simultaneously. The congregants come from the church with the pastor and they go into this area, they have a light lunch and then they have their discussions and they use it for cultural classrooms for the children. He explained that it is a small one story building not to be a detriment to a neighbor. There are no window openings to the neighbor's side. He testified as to the exterior materials. He explained the interior plans in detail. The colorized plans were marked as Exhibits A-3 and A-4.

Deputy Mayor Lisa Swain asked if solar panels would be considered. Mr. Molinari stated it would not be considered for this small addition.

Barry Winston asked about the basketball court and it was explained that it was striped as a half court for church children only. There would be no league play.

Mr. Molinari also testified that sound deadening board and a gyprcete type of finished material on the inside will make the area sound proof as possible.

The parking requirements were discussed. Board Engineer Tichacek stated a decision needs to be made if the requirement is 45 assuming nonsimultaneous use or is simultaneous use, then the requirement become 62.

Mr. Lans reminded the Board that the congregation is only 120 to 130 people.

Chairman Kortright polled the members.

Joseph D'Arco and Deputy Mayor Lisa Swain agreed they could accept nonsimultaneous use and the requirement of 45 spaces.

Barry Winston stated in order to prevent problems in the future he felt 62 parking spaces should be the standard. Todd Malkin and Baruch Gadot agreed.

Joseph Baladi asked if it was within the Board's jurisdiction to require the applicant to come back to the Board in the event the church is sold and was told that was possible provided that is a condition. He thought 45 spaces were appropriate.

Chairman Kortright stated to be cautious he believed 62 spaces were required.

It was agreed among the parties that the matter would be carried to October 5, 2009 without further notice.

Adjournment

Upon motion by Todd Malkin and a second by Baruch Gadot, the meeting was unanimously adjourned at 10:45 P.M.

Respectfully submitted,

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

CH:mc