

Minutes

Regular Meeting

Englewood Board of Adjustment

Thursday February 17, 2010

Municipal Court 73 South Van Brunt Street

Members present: Mr. Feintuch, Mr. Maron, Ms. Baker, Mr. Shafer, Ms. Thomas, Ms. Mitchell, Mr. Reidler, Chairwoman Byrne

Members absent: Mr. Fuld

Also present: Mr. Albert, Mrs. Evans, Mr. Rutherford

Meeting called to order at 8:10 pm

Roll call, announcement of proper notice of meeting

Reorganization 2011:

David Rutherford swore in new members Beverly Baker and Harry Reidler. The following member was reappointed: David Maron.

A motion was made to approve the following people:

Rosemary Byrne-chair

George Feintuch-vice chair

David Rutherford-attorney

Tina Evans-recording secretary

The motion was made by Mr. Maron. A second was made by Ms. Mitchell.

Motion passes

Minutes:

Minutes of January 24, 2011.

Motion to approve: Mr. Feintuch Second: Ms. Mitchell

Motion passes

Continued Application:

File#2010-13 Thomas and Monique O'Neill, 401 Walnut Street

Mr. Maron recused himself from this case.

Paul Kaufman, attorney for the applicant addressed the board. Brian Shortino from Bertin Engineering discussed the landscaping plan that had been submitted to the board. Marked as evidence was A8-landscaping plan. Mr. Shortino testified that the applicant will be removing 10 trees and then planting 37 trees. The board questioned Mr. Shortino. The meeting was open to the public. No one came forward. The public portion of the meeting to question Mr. Shortino was then closed.

Ken Albert, city engineer and planner was sworn in and gave testimony. The board questioned Mr. Albert. The meeting was open to the public to question Mr. Albert. No one came forward. The public portion of the meeting to question Mr. Albert was then closed.

Mr. Kaufman gave his summary.

Motion to approve\* Mr. Feintuch Second: Mr. Shafer

- The motion was made with the condition that the integrity of the house will be maintained and remain compliant with the plans presented to the board.

Passed by a vote of 5 yes (Feintuch, Shafer, Thomas, Mitchell, Byrne)

0 no

Board Business:

Attorney Rutherford asked the board to give their comments to him regarding the annual report.

Mr. Shafer left the meeting at 8:45

New Applications:

File#2011-2 Bari/Spielman, 251 Sunset Avenue

Elliot Urdang, attorney for the applicant addressed the board. The applicant is seeking a variance for an in ground swimming pool. Mr. Bari, the homeowner was sworn in and gave testimony. Marked as evidence were photos taken by Mr. Bari on 6/20/10. They were marked A1A-A1E. Also marked as evidence were photos taken on 2/16/11. They were marked A2A-A2D. The meeting was opened to question Mr. Bari. No one came forward. The public portion of the meeting to question Mr. Bari was then closed.

Stephen Koestner was sworn in and gave testimony as the engineer for the applicant. He was questioned by Mr. Urdang. The meeting was open to the public to question Mr. Koestler. No one came forward. The public portion of the meeting to question Mr. Koestner was then closed.

Ken Albert, city engineer and planner was sworn in and gave testimony. He testified about drainage issues, controlling water runoff and excess runoff. He suggested that these items be included in the resolution should the application be approved. The meeting was open to the public to question Mr. Albert. No one came forward. The public portion of the meeting to question Mr. Albert was then closed.

Mr. Urdang gave his summary. There was a board discussion.

Motion to approve\*: Mr. Reidler Second: Mr. Maron

Passed by a vote of 6 yes (Feintuch, Maron, Baker, Mitchell, Reidler, Byrne)

1 no (Thomas)

- Approval is subject to drainage conditions

File#2011-4 Massage Envy, 28 West Palisade Avenue

Paul Kaufman, attorney for the applicant addressed the board. He called Michael Tobia to be sworn in and give testimony as the planning consultant for the applicant. Marked as evidence were the following:

A1-transcript from Januray 24<sup>th</sup> hearing

A2-schedule of testimony

A3- copy of ad for massage envy

A4- copy of ad for massage envy

A5- massage envy website

A6- photo board showing photos of the massage envy spa in Paramus

A7- photos of the Hoboken location

A8- interior lobby and welcome area

A9- waiting area

A10- information on background checks

Mr. Tobia testified that there are currently 663 locations in 42 states. Over 80% of the clientele is female. The proposed hours of operation are as follows: Monday through Friday 9:00 am until 10:00 pm. Saturday and Sunday 9:00am until 6:00pm.

The meeting was open to the public to question Mr. Tobia. No one came forward. The public portion of the meeting to question Mr. Tobia was then closed.

Robert Weissman, regional developer for Massage Envy was sworn in and gave testimony. The meeting was open to the public to question Mr. Weissman. No one came forward. The public portion of the meeting to question Mr. Weissman was then closed.

Ken Albert, city engineer and planner was sworn in and gave testimony. The meeting was open to the public to question Mr. Albert. No one came forward. The public portion of the meeting to question Mr. Albert was then closed.

Paul Kaufman gave his summary. There was a board discussion.

Motion to approve with the following but not limited to conditions:

- closing time for Saturday and Sunday will be 6:00 pm
- all employees will park in the municipal garage
- all therapists will licensed by the State of New Jersey
- licenses must be posted
- hours of operation must be adhered to
- the current condition of 103 shared spaces for customers will remain in place
- companywide background checks as well as state background checks will be required
- all massage therapists will have 500 hours training from an accredited school

The motion was made by Mr. Reidler Second: Mr. Maron

Passed by a vote of 6 yes (Feintuch, Maron, Baker, Mitchell, Reidler, Byrne)

1 no (Thomas)

Motion to adjourn: Ms. Mitchell Second: Mr. Maron

The meeting was adjourned at 12:00 am

Respectfully submitted,

Tina Evans