

**CITY OF ENGLEWOOD  
PLANNING BOARD MINUTES  
January 24, 2013**

**Roll Call:**

Present: James Demetrakis, Vice Chair  
Councilman Marc Forman  
Timothy Dacey  
Toni Fay  
Curtis Caviness  
Adam Brown  
David Maron  
Michael B. Kates, Esq.  
Deborah Gallagher

Vice Chairman Demetrakis read The Open Public Meetings Act.

Pledge of Allegiance

Minutes of the December 6, 2012 meeting were approved by the Board. Motioned for approval by Mr. Maron, Seconded by Councilman Forman with all members in favor.

Minutes of the January 3, 2013 meeting were approved by the Board. Motioned for approval by Mr. Brown, Seconded by Mr. Dacey with all members in favor.

The approval of the minutes of December 27, 2012 was carried to the February 7, 2013 meeting.

Mr. Kates discussed the letter from Zoning Officer Wayne Scott, dated January 19, 2013, amending the denial letter to Neil Tobias c/o H. Hoffman.

**Item # 1:**

**Case No: 2011-29**

**Applicant: ERA South, LLC (Flat Rock Square)**

**Address: W. Sheffield and Route 4**

**Block: 2602 Lot: 3.04**

**Discussion:** The matter was scheduled for a hearing. Attorney for the applicant, Lou Darminio of Price, Meese, Shulman & D'Arminio, P.C., 50 Tice Boulevard, Woodcliff Lake, NJ was present. There were not enough board members present to hear the case. Mr. Brown & Mr. Forman did not review the transcripts. Vice Chairman Demetrakis requested that the matter be adjourned and carried to February 7, 2013.

Mr. Caviness stepped on the dais at 8:25PM.

**Item # 2:**

**Case No: 2012-14**

**Application: Talae VII Corporation**

Address: 489 Grand Avenue

Block: 3006 Lot: 40

Proposed Use: Preliminary and Final Site Plan Approval and a Sign Approval for a Dunkin Donuts/Baskin Robbins

Elliott Urdang, Esq., Englewood, NJ, attorney for the applicant, asked for a review of the revision by Wayne Scott, Zoning Officer, referenced in his January 19, 2013 letter, to Mr. Scott's original denial letter. Mr. Urdang stated there are no use variances issues, believes it should go before the Planning Board. Mr. Kates then read aloud, for the record, Mr. Scott's letter of January 19, 2013 and discusses and takes questions from Board members.

Attorney for the opposition, Louis J. Lamatina Esq, Akabas & Sproule, Paramus, NJ representing Stonehouse Properties, LLC, states that the Board does not have jurisdiction in this matter, as per his letter to Mr. Kates of January 23, 2013; the Zoning Board should decide.

Mr. Kenneth Albert, KGA Associates, City Engineer & City Planner, sworn in to testify, was questioned by Mr. Lamatina regarding the ordinance for establishing fast food establishments.

Vice Chairman Demetrakis stated that he was limiting the discussion to whether the Planning Board should hear the case.

Mr. Lamatina brings a witness for the opposition – Planner Charles Heydt, Kauker & Kauker, 365 Franklin Avenue, Wyckoff, NJ. Mr. Heydt presents Exhibit 01 – Planning & Zoning Analysis, Talae VII Corp. (Dunkin Donuts) Interpretation and Variance Application, prepared by Kauker & Kauker for Stonehouse Properties, LLC. Mr. Heydt reviews analysis and gives his opinion whether this should be considered a fast food establishment.

Mr. Urdang has no questions for the witness. There are no questions from Board members.

Rebuttal Witness – Mr. Stephen Lydon, Burgis Associates, 25 Westwood Avenue, Westwood, NJ. Mr. Urdang questions Mr. Lydon regarding definition, past history of such type of restaurants.

Mr. Lamatina cross exams Mr. Lydon. Mr. Maron questions Mr. Lydon.

Vice Chairman Demetrakis proposes a vote by the Board whether the Dunkin Donuts is a fast food establishment. Motioned by Mr. Maron, seconded by Mr. Brown, vote is as follows:

Vice Chairman Demetrakis – No  
Timothy Dacey – Yes  
David Maron – Yes  
Councilman Forman – Yes  
Curtis Caviness – No  
Adam Brown - Yes

The Planning Board does not have jurisdiction for this case.

Mrs. Fay steps on the dais at 8:50PM.

### **Item # 3:**

#### **Resolutions memorialized by the Board were:**

- CBD-3 Zoning District and Creation of New R-F Zone for East Side of James Street, motioned by Mrs. Fay and Seconded by Mr. Caviness with all members in favor. Mr. Maron comments in favor of resolution, however, Example B – too specific, other terms ambiguous. Mr. Kates indicated this will come back as an ordinance, does not have to change what was voted.
- 2012-10 Christopher Delisio, Motioned by Councilman Forman and Seconded by Mrs. Fay with all members in favor.
- 2012-13 Exxon Tiger Mart Service Station, Motioned by Mr. Maron and Seconded by Councilman Forman with all members in favor.
- 2011-14 Alza, Inc., Motioned by Mrs. Fay and Seconded by Vice Chairman Demetrakis, all in favor.
- 2012-3 East Hill Synagogue, Motioned by Mr. Dacey and Seconded by Mr. Caviness, all in favor.

Vice Chairman Demetrakis comments on fast food restaurant decision, their needs to be clarity in the ordinance on what is a fast food restaurant versus what is a restaurant. The Board votes to authorize Mr. Kates and Mr. Albert to do a study; Motioned by Mr. Maron and Seconded by Mr. Brown, all in favor.

**Item # 4:****Master Plan Review:**

Linda Weber, BK Urban Design and Brown and Keener, provided an overview for the Planning Board on the revision process of the Master Plan to date. Ms. Weber reviewed the hand-out Englewood Master Plan Issues and Preliminary Responses. The following were discussed:

- Mobility & Light Rail
- Downtown

The rest of the issues would be covered in the February 7 Planning Board Meeting. Below is a tentative schedule of review:

- February 28 – Review Land Use Element
- March 4 – Public Forum
- Between March 7 and March 28 schedule a special meeting to review all other elements.

**Public Comments:**

Mrs. Sandra Greenberg, 449 Liberty Road; Public schools should be involved more in the Master Plan. The Building Department is not enforcing law on the books, west of the railroad, to Durie Avenue.

Vice Chairman Demetrakis suggested the next Planning Board meeting to start at 7:00PM to allow for Master Plan review. All in favor.

The meeting was adjourned at approximately 10:45PM.

Respectfully Submitted

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Deborah Gallagher