

**CITY OF ENGLEWOOD
 PLANNING BOARD MINUTES
 April 4, 2013
 8:00PM**

Roll Call:

Present: Marvin Anhalt, Chairman
 James Demetrakis, Vice Chairman
 Mayor Frank Huttle
 Lewis Baer
 Toni Fay
 Emily Mann
 Councilman Marc Forman
 David Maron
 Michael Kates, Esq., Planning Board Attorney
 Deborah Gallagher, Planning Board Secretary

Chairman Anhalt calls the meeting order and stated that adequate notice of this meeting was given by the posting, filing and distribution of the notice as required by the Open Public Meetings Act.

Motion to approve minutes of March 7, 2013:

PB Member	Motion	Second	Vote
Demetrakis	X		Y
Maron			Y
Baer			Y
Anhalt		X	Y

Motion to approve minutes of March 28, 2013:

PB Member	Motion	Second	Vote
Demetrakis	X		Y
Baer			Y
Forman			Y
Mann		X	Y

Item # 1:

Master Plan Review Review:

Chairman Anhalt instructed the Board Members to review the 2013 Master Plan draft and send any questions/comments to Mr. Baer. Copies will be provided to Board Members not present tonight. Mr. Baer reviewed the handout to the Board, *Master Plan Topics – Reader's Guide*, which shows issues and changes to draft and map of draft zoning change recommendations (pages 44 to 58).

Neil Desai, Planner, from Brown and Keener provided an overview for the Board of the 2013 Master Plan draft. Mr. Desai addresses open items, particularly circulation and draft element; page ten is the vision piece, with extensive public engagement process, culminating in the pop-up workshop, emphasized linking plans and strategies, vision statements & strategies; page 25, which was not in previous versions, updates demographic and employment statistics, circulation element put some understanding and analysis into roadways.

Mr. Baer comments that the data information is relevant, much more current from last Master Plan.

No Board Member questions received.

Item # 2:

Review Ordinance 13-04

Mr. Kates discussed Ordinance 13-04, which is back to the Planning Board under the Municipal Land Use Law because, as introduced, you are asked to report to the governing body within a period of time. It is up to the Planning Board to pass back to governing board for second reading, public hearing and adoption at the Council level.

Board Comments:

Mrs. Mann commented that Exhibit B is missing from this version, which had to do with the housing itself, statements about design standards, wondered if a suggestion could be added regarding bedrooms and bathrooms, a way to add some statement that would relate to senior citizens housing in these individual houses, the ability of these houses to have a master bedroom on the first floor and full bath, and other bedrooms on second floor. Trying to provide some housing for aging baby boomers interested in housing close to town.

Mr. Baer comments that this was thought about in the Master Plan and thinking of an area better for that which is on Palisade Avenue where there a multi family apartments already; designating some areas along Palisade Avenue specifically with that reasoning in mind.

Ms. Mann would like to senior housing in the downtown area, being able to walk back and forth. Mr. Maron comments this has to do with the disposition of this particular redevelopment area, not the Master Plan.

Mr. Kates addressed the Board, this is a rezoning amendment to create the zone, it is an enabling ordinance that allows the developer to design and build single family homes in a newly created zone. It does not preclude the Board from site plan review as attached to the whole redevelopment picture. The

criteria in the Board's report are a signal to the developer of the Board's expectation. The language can be incorporated into the report.

No public comments received.

Motion to recommend approval of Ordinance 13-04 incorporating Ms. Mann's objectives:

PB Member	Motion	Second	Vote
Demetrakis	X		Y
Maron			Y
Baer			Y
Fay			Y
Forman			Y
Mann		X	Y
Anhalt			Y

Chairman Anhalt precludes himself from the next hearing; Vice Chairman Demetrakis will lead. A ten minute break is taken at 8:20PM. Mayor Huttles steps on the dais at 8:30PM.

Item # 3:

Case No: 2012-14

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

Hearing continued from January 24, 2013 Planning Board meeting. Elliott Urdang, Esq., Englewood, NJ, attorney for the applicant, reviews the application for the Planning Board. A quorum to vote is confirmed. Witness Matthew Seckler, Project Manager, Stonefield Engineering Design, 36 Ames Avenue, Suite 2B, Rutherford, NJ is sworn in. Mr. Seckler is a licensed professional engineer in NJ, also a recognized as a Professional Traffic Operations Engineer by The Institute of Transportation Engineers. This witness will be offered as an expert in traffic engineering.

Exhibit A-3 is introduced, an aerial photo exhibit, dated April 5, 2013, and taken in 2007 or 2008 of the property site. Mr. Seckler testifies to pass-by trips and gap study at site, traffic at location turning in and leaving property.

No Board questions received. No public comments received.

Attorney for the opposition, Louis J. Lamatina, Esq, Akabas & Sproule, Fairview Avenue, Paramus, NJ representing Stonehouse Properties, LLC, cross examines Mr. Stickler regarding DOT access permit, garbage trucks, parking.

Second witness for applicant, Stephen Lydon, Burgis Associates, 25 Westwood Avenue, Westwood, NJ is sworn in. Mr. Urdang questions Mr. Lydon regarding two types of variances, set-back and standards to parking area.

Exhibit A-4 is introduced, eight photos which accurately represent the site. Mr. Lydon reviews condition of buildings at site.

Board Comments – Mr. Maron has not heard any specific justification for why the property owners to the east and south are not entitled protection by the Englewood Zoning Ordinance.

No public comments received.

Mr. Lamatina cross examines Mr. Lydon regarding proposed use of second floor, parking spot calculation.

Mr. Lamatina presents a witness for the opposition, Hal Simoff, Simoff Engineering Associates, 2 Shunpike Road, Madison, NJ. Mr. Simoff presents a report, Exhibit 01 – Memo to Mr. Lamatina regarding DOT criteria. Mr. Urdang objects to line of questioning regarding DOT criteria and Mr. Simoff's opinion. The Board discusses and Mr. Kates allows testimony because it does not preclude a higher jurisdiction from ruling. Mr. Urdang cross examines Mr. Simoff over his verbiage of over use of the property.

Kenneth Albert, KGA Associates, City Engineer & City Planner, sworn in before Board. Mr. Albert presents two exhibits, areal photos, BD1 dated 2012 showing Grand Avenue & BD2 (dated December 31, 2004, not actual date). Mr. Albert states that the issues that should be addressed through resolution; garbage collection should be when the site is unutilized, late evening hours, not during certain hours, available mid-day or late in evening after peak hours have subsided. Prohibit tractor trailers from deliveries. Parking is clearly governed by number of seats; in this case uses for an office, conference room and warehouse are also included. These need to be addressed that this site cannot be leased out or used by a third party, only an integral part of the restaurant. The Board could impose a channelization to design a physical channel to push traffic to the right, this is under, however, state highway jurisdiction. In the narrative of the resolution discuss physical narrowization to control left hand turns, but not require it; should be subject of State Access Permit. Mr. Albert is precluded from doing a review on this site.

No Board questions. No questions from applicant's attorney.

Mr. Lamatina comments regarding issue of restaurant being fast food, position is still that a use variance is required. Traffic safety is main concern.

No Board Member questions. No public comments.

Board Comments: Mr. Baer states that he would like to accept the application subject to garbage pick-up and product delivery times when there is minimal disturbances for the flow of traffic. Time periods from 11:00PM to 5:00AM is acceptable and make all of the space that would be built in the building for the sole use by the operator and the purposes of what his business will be for and no other purpose and no third party involved. Mr. Demetrakis comments that if the Board acted favorably it would be subject to NJ DOT rules or any other governmental agency. Ms. Mann states that they should prohibit tractor trailers and allow right turn only. No left turns subject to state approval for exit of site.

Motion to approve application:

PB Member	Motion	Second	Vote
Huttle			Y
Demetrakis			Y
Maron			Y
Baer	X		Y
Fay		X	Y

Item #4: Resolution Memorialization:

Motion to memorialize resolution 2013-1, River School Art and Design, LLC

PB Member	Motion	Second	Vote
Huttle			Y
Demetrakis			Y
Maron	X		Y
Baer		X	Y
Fay			Y
Anhalt			Y

No public questions or comments were received by the Board.

The next meeting is scheduled for April 25, 2013 at 8:00PM.

The meeting adjourned at approximately 11:00PM, motion Marvin Anhalt, all in favor.

Respectfully Submitted

Deborah Gallagher