

**CITY OF ENGLEWOOD
PLANNING BOARD MINUTES
July 11, 2013
8:00PM**

Roll Call:

Present: Chairman Marvin Anhalt
Councilman Marc Forman
Lewis Baer
Curtis Caviness
Toni Fay
David Maron
Michael Kates, Esq., Planning Board Attorney
Deborah Gallagher, Planning Board Secretary

Chairman Anhalt called the meeting to 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.

Public Comments: Victoria M. Brown, LLC, 324 Grand Avenue, Englewood, NJ appeared to request a Board response to her letter of June 18, 2013. It seeks Board recognition of nullification of an easement agreement that was part of a site plan approval granted to Nisi restaurant, which conditioned approval on off-site parking on adjoining property owned by Ms. Brown's client, Steinberg. Infiniti succeeded Nisi at 90 Grand Avenue and its development application and approval was not contingent upon the subject easement agreement, as the off-street parking requirement for an automobile dealership is substantially less than a restaurant, and Infiniti met its obligation without the Steinberg easement. Ms. Brown advised that the parties (Steinberg and Infiniti) had settled their issues relating to parking and it does not include use of the easement agreement for parking vehicles. Board attorney Kates was asked for his advice. He opined that the easement agreement became moot when Infiniti replaced Nisi and obtained a site plan approval that was not dependent on the easement agreement. Further, he opined, in the absence of a development application pending the Planning Board lacked jurisdiction. It could not render an advisory opinion. He advised the Board that it would be sufficient for the Board to refrain from acting and that these Minutes would serve to memorialize the Board's position. Ms. Brown confirmed that her obligation was only to seek the Board's response, and no response would suffice. Chairman Anhalt accepted Mr. Kates' advice and did not feel the need to poll the Board. There were no other Board comments.

Item #1:

Case: 2013-06

Applicant: Signet Research, Inc.
Block: 2802 Lot: 22
Address: 267 South Dean Street
Site Plan Approval

A duly noticed hearing was conducted on this application for site plan approval. Appearing for applicant Russ Kotopoulos, Esq., 44 Engle Street, Englewood, NJ. Sworn in to testify on behalf of the applicant is Michael Hubschman, Hubschman Engineering, P.A., 263 S. Washington Avenue, Bergenfield, NJ.

Registered engineer and planner in NJ. Admitted by Chairman Marvin Anhalt as engineer qualified to testify.

Mr. Kotopoulos reviewed the site plan application submitted; approved previously in 2005 for bank use; new use is for a market research firm. Mr. Kates indicates that counsel has furnished the affidavit of publication, the postal receipts and return receipts showing proof of mailing, but will need to provide affidavit of service together with list provided by City to Planning Board secretary in the next day or so. Mr. Kates feels it is ok for the Board to go forward with the application. Chairman Anhalt questions Mr. Kotopoulos regarding the past proposal of a drive-through in the parking lot, which is eliminated in these plans. There will be the same ingress and egress on the premises.

Mr. Hubschman reviews the project; this is the same site plan as the Board of Adjustment approved (site plan and use variance approved in 2005). Previous use was for dry cleaner, then bank, now professional office. Site plan has minor modification for added one parking space, change of use.

Mr. Caviness question Mr. Hubschman regarding the ingress and egress to the parking lot and traffic issues in the community.

Public comments: Mr. Phil Buckman, owns a transmission shop at 257 S. Dean Street, questions how will the cars enter on Dean Street, this will create problems with traffic due to left turn.

Kenneth Albert, City Engineer and Planner, 9 East Street, Englewood, NJ is sworn in. Mr. Albert comments on parking lot ingress and egress, adjusting site plan is not a small task. Limited in what adjustments can be done, cannot reverse the flow of traffic.

Upon Board discussion the matter was approved and a resolution shall be prepared. Application subject to providing documentation previously discussed.

The Board voted as follows:

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

Item #2: Motion to memorialize resolution 2013-054, Mardo, Inc. / Buckley's Drug Store:

PB Member	Motion	Second	Vote
Forman			Y
Baer			Y
Faye			Y

Motion to approve minutes of June 27, 2013:

PB Member	Motion	Second	Vote
Forman			Y
Baer			Y
Faye			Y

No public comments received.

The meeting was adjourned at 8:30PM. Motion to adjourn, Chairman Anhalt, all in favor.

Respectfully Submitted

Deborah Gallagher