

PLANNING BOARD OF RUTHERFORD
MINUTES OF REGULAR MEETING
April 19, 2007

| | | |
|-----------------|--|---|
| Present: | Mr. Elliot Mayor McPherson Mr. Boyle Mr. Rizzo Mr. Neumann Ms. Russell Mr. Uhl Ms. Watson Councilman Sommer | Absent: Councilman Frazier Mr. Kuruc |
|-----------------|--|---|

Also present were Brian Eyeran, for Anthony Suarez, Board Attorney; Ralph Tango, Board Engineer; David Maski, Board Planner; and Mary Ellen Sartori, Recording Secretary.

The meeting was called to order at 7:05 p.m. and the Sunshine Law was read by Chairman Elliot, followed by a salute to the flag.

MINUTES:

Ms. Russell made a motion to accept the March minutes which was seconded by Mr. Neumann. The Recording Secretary took roll call and all approved. The minutes of the Special Meeting held on March 29, 2007 will be approved at the May meeting.

OLD BUSINESS:

Reexamination of Master Plan

Mr. David Maski presented a draft of the first chapters of the master plan and asked the Board members to review and bring comments/questions/suggestions/corrections to the May meeting. The next goal is to continue to develop the working draft and with the Board's assistance, the working draft will be completed.

Chairman Elliot opened the hearing to the public.

Margaret Schak, 78 Orient Way, Rutherford

Ms. Schak was sworn in by Mr. Eyeran. She wished to discuss the issues relating to the Meadowlands Commission as was discussed at the first Master Plan Advisory Review meeting in January.

Mayor McPherson stated that while the public needs accurate information regarding this issue, it can be discussed outside of this forum as it has no bearing on the Master Plan.

There being no one else who wished to speak on this matter, the Chairman then closed the public hearing.

NEW BUSINESS:

**Rottini Bros.
10 Hastings Avenue
Case No. A-07**

Mr. Peter Moore, Esq., appearing for the applicant was sworn in by Mr. Eyerman who marked the following exhibits:

- A1 Affidavit of Service
- A2 Proof of Mailing
- A3 Tax Collectors Certification
- A4 Proof of Publication

This application comes before the Board to have the Deed signed from the previous subdivision approval from one year ago. Mr. Albert Rottini, 431 Windsor Road, Wood-Ridge, NJ, was sworn by Mr. Eyerman and stated that at the time of the first subdivision application, the Deed was never signed and since a house has now been built on one of the lots, he needs the Deed to be signed before the sale. Mr. Eyerman states that there are now 2 conforming lots and no variances are needed. There were no citizens present regarding this case.

Mr. Maski stated that, since the time of the first application, COAH regulations have been enacted and, when the second lot is improved and built on, the COAH rules will apply.

A motion was made by Mr. Neumann to grant this application and was seconded by Mr. Boyle. Mayor McPherson abstained upon roll call taken by the Recording Secretary who found all others in favor.

CONCEPT REVIEW

**Cox
96 Meadow Road
Case No. B-07**

Mr. Cox presented this preliminary proposal to the Board for a concept review. Previously, he has applied to the Board for approval to develop a fast food restaurant on the site which is next to another fast food establishment. The two would share a driveway, parking area and waste receptacles. Mr. Cox believes that the addition of an Arby's restaurant would compliment the area and bring brand recognition as well as an attractive building structure to the area. It is much smaller than what he had been approved for previously, a 2 story structure.

Plans presented were reviewed by the Board members as well as the Planner and Engineer who stated their concerns. Mr. Maski had concerns regarding the queue line for the drive through windows and its possible interference with customers entering the store and other cars leaving the windows. This issue was discussed at length.

Chairman Elliot stated his concern with the noise from the drive through window and its effects on the neighbors; he wished that it could be more on the side of the restaurant and not so much toward the back wall.

Mr. Maski also wished for landscaping to be prominent in the front of the store to provide a buffer to the street.

Mr. Cox explained that the building size, appearance and configurations, such as placement of drive through windows, are standard to the brand he is interested in franchising there, but some aspects of the design can be changed to meet the code, requirements and recommendations of the Board and its professionals.

Mr. Cox and his architect will revise the plans according to the recommendations of the Board and its professionals and will apply or ask for another concept review at a later time.

Mayor McPherson wished to speak regarding a new business in the Borough. Recently, the corner property at Union and Jackson Avenues was leased to become a 7-11 convenience store. The Mayor stated that the public has brought her their concerns at the last Mayor and Council meeting. She told the public that the leasee did not need to come before any land use board as a convenience store was an approved use of the property. The Mayor, in fact, believed that the property was zoned before there was a land use board. Residents voiced their affection for the owner of a neighboring store and their concerns regarding a 24-hour convenience store. Parking is also a concern.

Chairman Elliot stated that he recalled there had been an ordinance that all businesses must close by 11:00 p.m. but that may have been rescinded for the Dunkin Donuts.

The Borough Attorney is reviewing the ordinances for a resolution, believed to have been from 1990, on the hours of operation. There was discussion whether the hours of operation of a business would come under the planning board or Mayor and Council jurisdiction.

Mr. Uhl stated that there is an ordinance limiting the hours of operation for motor repair facilities and maybe that could be expanded to cover this new convenience store.

Mayor McPherson suggested that the Board attorney review this matter. Ms. Russell made a motion which was seconded by Mr. Neumann. The Recording Secretary took roll call and all approved that Mr. Suarez should investigate the hours of operation issue.

Chairman Elliot further stated that the Planning Board needs to look not only at the present application but also to future implications of its decisions.

VOUCHERS

Vouchers from Schoor DePalma in the amount of \$81 and \$540 were presented for payment. Motion was made by Mr. Uhl and seconded by Ms. Russell. The Recording Secretary took roll call and with all members affirming, the vouchers were approved for payment.

Chairman Elliot then opened the hearing of citizens, and there being no one who wished to speak, closed the hearing of citizens.

With no further business to discuss, the Chairman adjourned the meeting at 8:08 p.m.

Respectfully submitted,

Mary Ellen Sartori, Recording Secretary