

MINUTES

CRESSKILL PLANNING BOARD

JUNE 27, 2017

Mr. Morgan opened the meeting at 7:33 PM and announced the requirements of the Open Public Meetings Act had been fulfilled.

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Ulshoefer and Mr. Malone. Also present were Mr. Paul Azzolina, Borough Engineer, and Mr. Schuster, Planning Board Attorney.

Mr. Durakis made a motion to approve the minutes of the June 13, 2017, meeting. The motion was seconded by Mr. Ulshoefer. All present were in favor of the motion. Motion approved.

Correspondence

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 21, 2017, sending a representative of AirTech to this Board for approval. They are proposing two new awnings at 2 Piermont Road.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 20, 2017, sending Mr. Ziv Oren and Mrs. Dana Koblenz to this Board for approval. They would like to construct a new single-family dwelling at 36 Godfrey Place. They will require variances. Application #1506 was received on June 22, 2017. Councilwoman Tsigounis noted that the application just came in tonight and she introduced it into the record. Mr. Azzolina stated that he received it today and has not reviewed it. He will report on it at the next meeting. Mr. Rapaport asked if it could be scheduled for the next meeting? Mr. Azzolina stated that it would be premature until he has completed a completeness review. It could be scheduled at the next meeting, as per standard procedure. If everything is complete, the Board will be able to schedule the Public Hearing at the next meeting. Mr. Rapaport stated that he submitted the plans a week ago. Mr. Azzolina noted that the Board has 45 days on which to act under the Municipal Land Use Law. Within the next two weeks he will review it for completeness and assuming everything is complete, he will recommend to the Board that they schedule it for a hearing at the next available date.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated June 13, 2017, sending Mrs. Lisa D'Acierno and Ms. Gina Lucibello to this Board for approval. They would like to open an office for a therapist and holistic living center at 12 Union Avenue. Mr. Antonio Manfredonia is the owner of the building. This is right next to the upholstery store. It is about 500 square feet. It is just going to be one office. There will only be two employees, Mrs. D'Acierno and Ms. Lucibello. Ms. D'Acierno is a licensed clinical social worker and she has been in practice for over 20 years and she has seven offices in Teaneck. Ms. Lucibello has a store in town and she is doing this in addition to her store. This is a therapist office for therapy and holistic healing. Mr. Ulshoefer made a motion to approve, seconded by Mr. Calder. All present were in favor. Motion approved. A letter of approval was sent to Ms. D'Acierno and Ms. Lucibello stating the Board's approval, with copies to Ms. Barbara Nasuto, the Building Department, Fire Department, Police Department and Health Department.

Subdivision Committee

Councilwoman Tsigounis introduced a new application for 256 E. Madison Avenue, Application #1507, Nicholas Stathatos, which was received June 23, 2017. This application was passed by the Zoning Board. Mayor Romeo explained that they are just coming here for courtesy site plan approval. Mr. Azzolina noted that the engineer was familiar with the Borough Code so the plan that was presented to the Zoning Board is the same as what we typically see at the Planning Board. They received the variances from the Zoning Board. Otherwise, the plan is in compliance with the ordinance. The height is factored properly. He recommends that the Board approve the plans as presented, which is the site plan dated March 8, 2017. The plan went to the Zoning Board because it needed an FAR variance. They scaled the house down per the Zoning Board recommendations and they received an FAR variance of 34.49 proposed where 34.32 is permitted in the zone. There is a slight increase in the impervious coverage and a variance has been granted for that. Everything else about the design complies with the zoning requirements.

Mayor Romeo wanted to see the architectural drawings. Mr. Stathatos went to get a copy of the house drawings. Mr. Ulshoefer asked how many trees are coming down. Mr. Azzolina stated that no trees were coming down.

Councilwoman Tsigounis introduced revised drawings for Application #1505, 94 Park Avenue, Orly Amir, which were received on June 16, 2017. Mr. Azzolina noted that this was received two weeks ago and he has had several conversations back and forth with the applicant's professionals. The applicant is present with one of the professionals. The plans have been revised in accordance with the comments offered by his office, specifically, they requested that a seepage pit be added to control the runoff from the roof area with a sump pump. The heights have been confirmed. Setbacks have been indicated. One thing that was added to the plan was the setback to the stairway to the basement area. It is noted to be 21.5 feet. That is the same location as shown on plans that were reviewed and approved by the Zoning Board. The pitch of the roof was revised slightly in order to comply with the height requirements. Other than the variances granted by the Zoning Board, which were a minimal FAR and side yard variances for a 50 x 100 lot, the plan as presented is found to be in compliance.

Mayor Romeo asked if this was the second of the two that needed to come here from the Zoning Board. Mr. Azzolina stated that it was. Mayor Romeo asked for the architectural drawings of the house. Mr. Amir stated that the plans are the same as was here when he went to the Zoning Board.

Mr. Stathatos arrived back with his plans. Mr. Azzolina explained that the house and detached garage will be demolished and replaced with new construction. The height complies. There is a retaining wall on the west side and they took the top of wall, bottom of wall elevation and averaged that out correctly so the height computation is correct. The garage is on the right side at basement level. Drainage is proper as well.

The Board approved both applications.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he already covered all his topics except for 2 Piermont Road.

Old Business

Ms. Donna Vellekamp was present regarding 2 Piermont Road. She wanted to go over what she submitted to the Board and clarify some issues that were raised by the Board. The first paper comes from the plan that was approved back in January for the owners of 2 Piermont. This is the parking

calculation that they used at that time and that was approved by the Board. The second two pages are the minutes from that meeting. There were some questions from the Mayor about when her clients got involved, so she attached the February 5th letter from the Board to the owners of 2 Piermont saying, yes we have approved the use of the offices and the possible future deli. She then attached the listing agreement, which was dated two days later. That is when the property was listed. And the uses were, permitted uses in the property remarks. That is what her client saw when he went, and she has already presented his business history and he does operate in two other locations, a deli and pharmacy in one location. Then she submitted the plans that were drawn for the first-floor space. Again, the only difference between what was approved for the owners back in January is that rather than strictly deli or other use, it is going to be deli and pharmacy. They have laid out where the pharmacy is, as you can see on the last plan and they are asking for an approval for their use there based on the parking calculations that were approved back in January.

Mayor Romeo stated that at that time the Board approved it for office and warehouse on the first and second floor and a deli on the first floor. Since then, you changed the plan to add a pharmacy. Ms. Vellekamp stated that her clients, coming in as tenants, have requested that they be able to use it as a deli and a pharmacy. The listing by the owner at the time was for several uses that could be there based on all permitted uses in the zone. Property remarks are "good for deli, bakery, coffee shop, pharmacy, convenience store, gallery, jewelry shop." That is how it was listed. Mayor Romeo said that the listing has nothing to do with the town. Ms. Vellekamp understands that, but they are permitted uses in the zone. Mr. Morgan stated that originally there was one business there. Then we extended it to two and now they want to go to three. Ms. Vellekamp said that it is the same business.

Mr. Calder noted that we discussed two operations. Ms. Vellekamp agreed that one is the use by the owner of the upstairs and part of the downstairs, and the second is some retail establishment. They spoke about doing a deli. Her client is doing one business. There is no designation between them. He is operating both of them. He will have a deli in the front and a pharmacy in the back area. It is the same owner. The same business. It is not three tenants there. It is one tenant for that half of the first floor and the owner is using the top floor and part of the warehouse/office on the bottom floor.

Mayor Romeo asked the owner of the building, Mr. Lee, how many people he thinks are going to work in the warehouse or the office building. Mr. Lee said about 12. Ms. Vellekamp noted that in talking with the owner, their hours would be 8:30-5:30, Monday through Friday. It is basically office use. They may go out for lunch and come back, but there is not turnover. There is nobody coming in and out other than employees. Her client intends to be open, probably 6:30-9:00, and probably the busiest time for him for the deli will be those early morning hours. In the beginning, when he opens, he is only going to have three employees. When they leave mid-day, if it is dead at 3:00, they will have to see how that works out. He will extend his hours to 9:00. So, after 5:30, all the spaces that may be used by employees would be available for her client's use as well as the early morning hours, which may be his busiest hours other than lunch time. At lunchtime, he may have some employees that go out or they may just come downstairs and get their sandwiches. There will be three total employees in the deli/pharmacy, two in the deli and one in the pharmacy. If doing a great business, they may increase it to four.

Mayor Romeo stated that half the spaces are taken up by employees. Ms. Vellekamp noted that the people coming into their facility will probably be short stays. It is not Hamrah's where somebody may stay for a few hours. They are going to run in and get a sandwich, get some Band-aids, pick up their prescription and leave. It is a short parking window. It was approved for a deli and they don't think the pharmacy is going to be any different kind of traffic than if it was one big deli. It may even be less.

Mr. Morgan stated that it is now three businesses instead of two. That is the shocker. Ms. Vellekamp said that it is just three different uses, it is the same business. Ms. Bauer asked about deliveries and if they will have a truck. Ms. Vellekamp said that it will be one of the employees and they will use their car. Mr. Schuster stated that, obviously, they will have more traffic just because they have three different uses there. Ms. Vellekamp believes the pharmacy will be less use than if it was a complete deli.

Mr. Calder asked about the crossover between deli and pharmacy. Do people come for a sandwich and decide to get some other things while they are there or do they come for a prescription and decide to get

food? Mr. Yu, the pharmacist and proposed tenant, noted that while they are waiting for the prescription they would have a cup of coffee or some food. That is his experience. He saw that all the supermarkets have pharmacies inside and it seems to work pretty good and that is why he had the idea to open up a second store. It is working pretty good. Mr. Calder asked if he was seeing a lot of crossover. Mr. Yu stated that when they come in for a coffee and they see the Tylenol, they just grab it and buy it and go. It works pretty good. Mr. Ulshoefer asked what kind of food they would be serving. Mr. Yu said that is a typical American breakfast.

Mr. Morgan wanted to hear from the engineer. Mr. Azzolina had an opportunity to meet with Mr. Lee about a week ago and he toured the facility with him. The way this application was reviewed was a little bit out of sequence. Normally we get drawings as part of the application and he reports to the Board and then we proceed. In this case, he thinks because it was presented as a continuation of an existing commercial use, that there would be no parking issues. But, in looking at their operations, what he did was he got the plans from the Building Department that were submitted for the interior fit-up, which are dated March 6, 2017, which was after their appearance before the Planning Board. In looking at the space and looking at the code, they have approximately 4,000 plus on the second floor and 2,000 on the first floor, some of which is used for warehousing, as per the application, and storage, and some of which is used for office space. They indicated a total 12 employees. He asked if that was in both offices combined. Mr. Lee stated that it was.

Mr. Azzolina stated that, in looking at the plans, it looks like they have cubicles or work areas that would support more than 12 employees. Mr. Lee stated that he has three companies on the second floor. Mr. Azzolina noted that the other confusion was that the first testimony was 10 employees, then the second meeting said 15 employees. Now we are kind of in between. That is something that would, perhaps, be considered by this Board in the computation of the required parking. As the Mayor just mentioned, half of the spaces will be taken up by employees between the two uses.

The code, even though the calculation that was presented today makes reference to one space per 300 square feet, that's incorrect. The requirement in the C Zone in Cresskill is one space per 150 square feet of floor area, and that is not interior floor area, that is the gross floor area as measured to the outside limits of the wall. Deductions were made in the calculations presented for back of house, kitchen, etc. Our code makes no provision for any of that. He is not saying it doesn't make sense, he is just saying the code does not specify that that is a permitted exclusion, similar to warehouse and storage uses, the 150 per square foot may in fact be overkill, but there is nothing in our code that says they are allowed to offer any exception to that without the proper procedures being followed. When we take the gross square footage of this building on the first floor, plus the second floor, you would be required to provide 62-64 spaces, depending on what the computation is. That is just a straight mathematical calculation. If you look at the first conceptual site plan that was submitted, it is showing information of building area table featuring a total floor area of 9,200 square feet. It is probably a little bit more than that if you measure to the outside walls, but without splitting hairs, just using that number, 9,200 divided by 150 is 61.33, which is rounded up to 62 parking spaces, applying the code literally. He is not aware of any power that he has to waive that. His finding is that there is a deficiency with respect to the number of parking spaces on the site with any second use of the space. Probably, if you look at just the office area, then 30 spaces are going to be required. There needs to be some formality as to legalizing the parking so there are no future issues.

Ms. Vellekamp asked what that would be. Mr. Azzolina stated that, if the Board sees fit, there would have to be some sort of hearing seeking a variance for parking to whatever you propose. You need to offer a proposal. Mr. Schuster noted that they need to submit an application. He also stated that there has been discussion about warehouse use on the site. Ms. Vellekamp noted that the owner is using some of the space as a warehouse. Mr. Schuster stated that that is not a permitted use in the Commercial Zone. Ms. Vellekamp said that that is not her application. She is not here on behalf of the owner. Mr. Schuster again stated that warehousing is not a permitted use in the Commercial Zone. He can't have warehousing.

Ms. Vellekamp stated that when the owner was here last time in January, and these plans were put forth, it is her understanding that they were approved and there was no discussion at that time about variances

for parking and so forth. So, she is asking if the Board is reneging on the approval that was granted in January. Mr. Schuster stated that the Board is not reneging on anything. Ms. Vellekamp noted that the plans that they put forth to occupy the building at the time in January, the square footage hasn't changed, the code has not changed and it was approved. There was a motion made. Mr. Schuster noted that what he sees is that it talks in terms of occupancy for offices and to entertain a deli. Ms. Vellekamp stated that her clients want to do what they want to do, but her question is if they only wanted to do a deli, would they have to go get a variance because the prior one was already approved. Mr. Schuster said that there was no prior variance approved for this. There was a re-occupancy and he is not so sure the Board got complete information at the time when that was presented. At least that is the information that comes out today.

One other question Mr. Schuster had, for his own mind, was to clarify whether or not they are going to be finishing off the whole second floor. According to what is in the minutes, they are not going to be doing that. Ms. Vellekamp has no idea. She has nothing to do with the owner. Mr. Schuster stated that that is another problem because obviously the use of the parking on the site is not dependent on one tenant, it is dependent on all the tenants and all the uses that are all together. So, to sit there and say you are not going to go back to what happened before because it doesn't concern us, it kind of does. Ms. Vellekamp stated that she doesn't have that information. As far as she knew, the only application that was here today was her application as a prospective tenant to use the space based on the information they had of what the Board had done back in January, which was that the parking was OK for their office use and the warehouse use and the use as a deli. That is what was approved back in January. That is what her clients were relying on when they made an application for a CCO. They were then referred to the Board for the CCO. That is what they were told to do and that is what they did. Again, based on prior actions of the Board. Mr. Schuster said that according to the letter from the Board secretary, what was approved was offices and a deli. It says nothing about warehouse use at all. Ms. Vellekamp stated again, she was not here. It is her understanding that what was approved was offices upstairs and a warehouse area downstairs. Mr. Schuster again stated that that is not a permitted use and that doesn't say that in the approval letter.

Ms. Vellekamp noted that if the owner doesn't have a CCO or doesn't have approval to use his building, then they are wasting their time here as tenants. If that is an issue, she would like to know before they get any more involved and spend any more time and energy. They will move on to another location if that's going to be the case. She does not know when he is ready to occupy but he has done quite a bit of work over there and now there may be an issue with him. Mr. Schuster stated that the point of the matter is it has already been pointed out by the engineer. The Board has no authority by itself. Mr. Azzolina stated that one of the issues that comes to light, looking at the plans that were submitted in January, the downstairs use was termed "proposed office/storage use." He thinks that is where the confusion is coming in, where the current plan labels that as a warehouse. He is not sure what the difference is, per se, but in listening to the attorney he would agree that our code does not specifically state that warehouses are permitted, but he suspect that storage ancillary to the operation of a business would be permitted, but perhaps Mr. Lee can comment exactly on the operational aspect of that space. How is it used? Mr. Lee stated that it is used for storage. They ship to us and we store some parts and then ship it out. Mr. Azzolina asked the manner in which they receive the parts. Do they have large delivery trucks? Mr. Lee said they have electronic parts that are small parts. They use UPS trucks. They deliver in the morning and pick up in the afternoon. Mr. Azzolina stated that it is termed storage on the original plans and the plans recently submitted terms that a warehouse. Mr. Mandelbaum asked if they took out the word "warehouse" would they be OK. Mr. Azzolina said that that would be for the Board to decide. Mr. Mandelbaum said that when they first came in we specifically asked those questions of them. Mr. Azzolina stated that he doesn't think we asked to this level of detail.

Mayor Romeo said that the problem is that it was a single occupancy since 1968. It is written into the actual approval, because he read it, that it would one occupancy, Hamrah's. Hamrah's left, circumstances change, Mr. Lee came in and bought the property. We wanted to try and help him, because he can only imagine the nut on that property, so we wanted to help him with a second tenant because two rents are better than one. The more money you have coming in for rent, the better your business does and the better condition that property is in. That was all settled. Then you come in with a third occupancy. The third occupancy triggers us to take a more careful look at it and we are wondering if

we were told the truth at that time or did we not look at it carefully enough. Now, with the third occupancy, it triggers a look at the parking. When you look at the parking according to the code, you don't have enough parking. Hamrah's had a store there with 30 or 31 spots. They bought the quarter acre across the street and put in another 40 or 50 parking spots. If you are going to have 15 people already in there parking every day that are employees, we are down now to 15 spots, with what we hope will be a fast-moving deli with people coming in and out. That becomes a problem. That is what our issue is here. No one is saying anybody misrepresented, but the problem is, by getting the third tenant, it makes us look back at the other two tenants and then we start to think, wait a minute, this brings us over the top of where we should really be. We were trying to accommodate Mr. Lee because he lives in town and we want that place to be a success. There is nothing more he wants than that building to thrive. But what he doesn't need is a hardship on Piermont Road. There is enough traffic there already. The Board has to really think this thing out. He is not sure what the answer is. He asked the Board if they had any ideas or comments.

Mr. Schuster asked if they made an application for the lottery. Mr. Yu said no. Ms. Vellekamp reiterated that it is one tenant, not two. It is two different uses, but the same tenant. Mayor Romeo asked if they thought the pharmacy, as a third entity, would increase traffic. Ms. Vellekamp doesn't think so. Mayor Romeo said that they have to say yes to that because it's good business that you would want more people to come in there. Ms. Vellekamp doesn't think it would be any different than if it was 100% a deli. Mr. Schuster stated that it would be a different clientele, and that's the point. Ms. Vellekamp noted that her client is saying that a lot of people come in and wait for their prescriptions and they have a cup of coffee. Some guys may drive by and it is an easy access on Piermont Road at 6:30 in the morning to grab a bagel. They are in and they are out. They may grab lunch. They may sit down and have a couple of scrambled eggs. And they may say, you know what, I forgot to get Band-aids for my kid and pick up some Band-aids. They are not completely exclusive. Mr. Schuster thinks she is absolutely right. He would find it hard to accept the fact that every person that comes in there is coming in there for the deli and they are going to go incidentally over to the pharmacy. Ms. Vellekamp didn't say that either. They may come in, but again, if they are coming in to pick up a prescription, you should be there five minutes, and if they are not, you are going to find another pharmacy to go to. Everybody is a short in and out. Mr. Schuster doesn't know anyplace in town that gives a prescription in five minutes. Ms. Vellekamp says that is why they get a cup of coffee while they wait.

Mayor Romeo asked Mr. Azzolina if he is saying that by the code they need 62 spots. Mr. Azzolina stated that if you apply the code literally, yes. Mr. Mandelbaum stated that if Hamrah's only had "X" now you are asking them to put more space in for the same spot, same size building. Mr. Morgan stated that Hamrah's had parking across the street. Mayor Romeo agreed that Hamrah's had an acre and a half across the street for parking. They had plenty of parking. Mr. Schuster said it was part of the whole deal. Mayor Romeo noted that it has since been subdivided off and are selling it separately so we are stuck with this. We are trying to accommodate them because you don't want a vacant building.

Mr. Azzolina stated that the other difference he noted between the original submittal and the current plan submitted today is the addition of the defined table and chair layout. Initially the statements offered were no tables and chairs. Then, at some point in time, a sketch was submitted that showed a couple rectangles with no chairs indicated. The current plan dated June 15, 2017, depicts five tables, 14 chairs with counter seating at the southerly window at the front of the building and two undefined table areas in the middle. Ms. Vellekamp noted that they are displays for merchandise and not tables. Mr. Azzolina noted that the original statements offered were no seating and now you have 14 seats. Once again, for a restaurant type of use, the parking requirement is a function of the number of seats, which in Cresskill is one space for five which is not really a logical standard either, which we have seen at the Farmhouse. That standard was applied for that use and as you well know, that doesn't work. But that is what the code says.

Mr. Azzolina also stated that there is a section in the code that allows for when parking requirements are sort of grey, undefined, it is left to the discretion of the Board, which he would then throw it back to the applicant to propose something that they think makes sense. Our code for office use in another zone says one space for 200, that is not significantly different than 150, so that is not going to be much of difference there. If Mr. Lee is correct in the number of employees, then that is something that is a more

solid basis that he thinks an applicant would use as their parking calculation demands for that office use. Then you come up with something relative to the deli and/or pharmacy, if it is included, to demonstrate that that works. The deduction of the kitchen area completely to 50% of the floor area, he doesn't know that that necessarily makes sense because this appears to be a rather large kitchen for a deli. He is not a restaurant planner, but he did compare it to other applications and it is larger than some restaurant kitchens. Ms. Vellekamp noted that the kitchen area is behind. She pointed out the service area which is not kitchen. Mr. Azzolina was using the whole white area. Ms. Vellekamp pointed out where the kitchen area actually was and the rest is where the guy would be making the sandwiches and passing them on.

Mayor Romeo asked about the separate entrance to the pharmacy area in the back. Ms. Vellekamp stated that there was a door in the back. There is an entrance in the front and in the back. There are no interior walls that block you from going from the pharmacy to the deli or from the deli to the pharmacy. Mr. Azzolina asked, within the sales area, are there deli products or pharmacy products. Mr. Yu noted that they are pharmacy products. Mr. Azzolina stated that the only food products are beverage coolers and whatever you get at the counter. Mr. Yu stated that that is correct.

Mr. Calder said that he would be more troubled with the parking situation if there weren't other choices. It is not like, and he means no disrespect to how great a pharmacy or deli that Mr. Yu is going to be operating is, but there are three other pharmacies in town that people can easily move on to if they can't get parking at this location, and how many delis do we have. He doesn't see people lining up to get into the location if they can't park.

Mr. Schuster stated that in looking at this, it shows warehousing on the first and second floor. Councilwoman Tsigounis noted that it was storage. Mr. Schuster said that the question isn't what you call it, it is how it is being used. If the pharmacy and the deli are there, he would think it is being used for regular inventory. For the second floor, it is a different story. If they are selling electronic equipment from the site, it is a warehouse use. He is not going to be using it on the site, he is going to be shipping it elsewhere.

Councilwoman Tsigounis wanted Mr. Schuster to explain the issue with the parking and the what needs to be done. Mr. Schuster explained that what is on the site now is not the total amount of parking that the building was using before. The parking on site doesn't represent all the parking of the original use. Mr. Lee bought the property knowing how much parking was available to him. As the Mayor already characterized it, we would like to see the property do well and we would like to see everybody make money, but we have certain requirements in town as far as parking is concerned. That is where we are. Ms. Vellekamp stated that if her client said he wasn't going to put a pharmacy in he was just going to have a deli, and that is what was approved in January, would she have an approval based on the parking. Mr. Schuster stated that he is not so sure that was properly approved at the time because clearly it was deficient at the time it was given originally. Ms. Vellekamp stated that it was approved. Mr. Schuster said it makes no difference.

Mayor Romeo asked Mr. Lee if he bought the property before he came into the Board. Mr. Lee agreed that he did. He bought it not knowing what was going to happen when he came before the Board. Mr. Lee agreed. Mayor Romeo noted that now we are going to try to figure out how to accommodate everybody. Let's say, on their premise, that we go with the original approval. We went on that based on the fact that there was no pharmacy. We went on that based on the accommodation that we wanted him to succeed so we gave him an extra tenant which we didn't have to. Mr. Lee stated that he gave a drawing. Mayor Romeo stated that he did, a deli and warehouse or storage and office. But now we have another occupancy which generates traffic. That is what the whole problem is about. Ms. Vellekamp stated that the parking would be no different if they use the code whether it was a deli or a pharmacy. It would still be 62 spaces or however many it is. The square footage does not change by what they use it for. Mr. Schuster said that technically you are supposed to have parking for how many seats you have in the premises where the deli is. Ms. Vellekamp said that they will back the deli out. Mayor Romeo asked if they would back the deli out and leave the pharmacy? Ms. Vellekamp said no, if they take the deli area and go by the one spot for five seats, they need three for that part. Then they take the square footage that is there, whatever it may be, and do it by 150. They are getting closer. Mr. Schuster said that is on top. That is not segregated out. That would be on top of what is required.

Mr. Azzolina noted that Ms. Vellekamp's calculation would be the correct calculation for just the floor area, but he thinks they would need to do something for the kitchen area. It is not an exact science. Ms. Vellekamp noted that if it was a jewelry store, it would be the same amount of parking based on the square footage. Mr. Azzolina agreed. If it was a convenience store it would be the same square footage. Mr. Azzolina stated that we do not have that matriculation to our code. Any kind of retail store would be the same. Mr. Azzolina agreed. If it was a deli or a pharmacy it would be the same parking. Mr. Azzolina again agreed. Ms. Vellekamp asked "what's the difference?" That's what she doesn't understand.

If they came in and wanted to be a whole pharmacy, the parking calculation would not change. So, to take half a deli at the same number and a half of a pharmacy at the same number, still gives you the same number. That is her confusion. The Board approved it. She understands it was not a formal approval. If the Board is going to take it away from Mr. Lee now, that is a different story. Her client just wants to put a business in there the way he has designed it. It will not change the number. He can have a jewelry store and a deli. It would not change the number. Mr. Azzolina stated that the approval was based on flawed information. That had the 300-square foot calculation. That is erroneous. Ms. Vellekamp said that even if they did it on the 150, it would still be 62 spots if it was a jewelry store, half a jewelry store and half a deli, half a pharmacy and half a deli.

Councilwoman Tsigounis explained that that is what the Board is saying, which is why the Board is saying you need a variance because we relied on wrong information. Ms. Vellekamp noted that it can be a variance or it can be a waiver. There is a provision in here that "or the parking can be as determined by the Planning Board." Mr. Azzolina explained that that is in the Zoning Ordinance so even if the Board were to come up with a different standard, you would need to ask for variance relief. Ms. Vellekamp noted that she is not asking for variance relief because now the Board is taking away Mr. Lee's approval, she assumes. Mr. Azzolina noted that he is not taking anything away, that is for the Board to decide. Ms. Vellekamp stated that she is not going to have her client enter into a business deal based on something that could be taken away from the owner and there would be 62 spots used and his business would never open, nor would Mr. Lee ever take occupancy.

Mayor Romeo asked Mr. Lee how many spots he had. Mr. Lee noted that he had 30 spots. Mr. Schuster asked if there were handicap spots on the site. Mayor Romeo stated that two of them have to be handicap spots. Mr. Azzolina said that if the number is 30, for a parking lot of that size, you need two accessible parking spots. So, you have 28 standard spaces and two, commonly known as handicap spaces. Ms. Vellekamp stated that there are 31 on site and two handicap spaces. Mr. Azzolina noted that, once again, it depends on which plan you believe. None of the lines are visible in the parking lot anymore. They seem to all be kind of wiped out so you would have to do restriping anyway. Mr. Schuster said that that brings up the question about what is the size of the space you are going to be using for this. Mr. Azzolina agreed and said that all that information was never provided. He made the comment and it is in the minutes that the applicants need to be aware of the ADA requirements, pedestrian access route needs to be provided from the spaces. Spaces have to be compliant with the design standards, five-foot wide stalls, all of which need to be depicted on a plan, which we have not yet received.

Mayor Romeo told Mr. Lee that he doesn't remember him saying that there were going to be 12 employees parking on the site. He thought it was going to be three or four. Mr. Lee said that the first time he said it was going to be 15. Mr. Azzolina stated that at the first meeting he said it was going to be 10. When you look at the January 10 meeting minutes, it states 10 employees. The January 24 meeting raises it to 15. Perhaps it was 12 upstairs and three downstairs. Mayor Romeo noted that now they come in with a pharmacy which throws a monkey wrench into it. Ms. Vellekamp stated that the pharmacy would have the same parking requirements as a deli. It is no different. You don't have a separate standard for deli vs. retail. Mayor Romeo explained that we are looking at a third occupancy so we are looking beyond what the ordinance says to how is this going to work. How are all these cars going to be there in a practical mode. That is what he is looking at. Ms. Vellekamp understands that and as she has said, the pharmacy traffic is not like CVS. You are not looking to walk around and see what else you need. You are going in and getting your Band-aids or your prescription and you are out the door. That is the way it is supposed to work.

Mr. Morgan stated that theoretically you could have people coming just to the pharmacy and not to the deli. You could have more people coming to the pharmacy than to the deli. Mayor Romeo told Mr. Lee that he is the key to all of this. It is his building. He wants it to work and Mayor Romeo wants it to work. Mr. Lee needs to tell the Board how he is going to get rid of some of these employees' cars, so he can accommodate the other tenants. Maybe he can figure out a way for some of his employees to park someplace else. He wants a tenant and the tenant wants to pay. Mayor Romeo explained that Mr. Lee needs to figure it out and come in and apply for a variance.

Ms. Vellekamp asked if they had to apply for the variance. Mayor Romeo noted that Mr. Lee needs to apply for the variance and he would come to the Planning Board. We have to cover ourselves as well as the tenants. He thinks that Mr. Schuster and Mr. Azzolina are right. Mr. Lee has to find a way to do this. His employees can't take up 15 spots. Mr. Mandelbaum asked if Mr. Lee said tonight he only needed seven parking spaces for his employees, would the Board approve it. Councilwoman Tsigounis stated that Mr. Azzolina needed to see a plan. There is no parking layout or any kind of plan. Mr. Schuster said that one of the issues is the size of the parking spots and how that is all done. When this was approved back in 1968, the parking spots were bigger. Mr. Ulshoefer said that you need a plan with actual measurements and everything.

Ms. Vellekamp noted that her client is ready to pull his application for the CCO and go find another location. They don't need to be part of the application for the parking variance. If her client is still around when the parking situation is straightened out, he can then make a deal with the landlord. He can do that but she doesn't think they need to be part of the application. Her client spent money as well. It is really up to the owner. Her client will move on to another location. Mayor Romeo thinks that Mr. Yu should sit with Mr. Lee and tell him what he needs so he can, with an educated decision, see what he can do and then try to come to a number, and have him come back to us and maybe everybody will be accommodated. But that is a choice he has to make. Ms. Vellekamp stated that her client has another location in mind that may not have these issues and may not take this long of time. He has been looking at this property since February and now it's almost July. It may be time to move on. He will make that decision.

Ms. Vellekamp stated, for the record, that they are withdrawing their application for the CCO.

Resolution for Application #1501M, 72 7th Street, Matkal Realty LLC. Mr. Durakis introduced the resolution, seconded by Mr. Calder. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, and Mr. Ulshoefer all voted yes. Mr. Moss was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

Resolution for Application #1504, 51 Roosevelt Street, Perrine Associates. Mr. Morgan introduced the resolution, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, and Mr. Ulshoefer all voted yes. Mr. Moss was absent. Motion approved. The original resolution shall become a permanent part of these minutes.

New Business

None.

Other Business

None.

Mr. Morgan opened the meeting to the public. No public wished to be heard.

Motion was made by Mr. Ulshoefer to adjourn the meeting at 8:57 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for July 11, July 25, August 8, and August 22, 2017, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary