

**TOWNSHIP OF WASHINGTON, BERGEN COUNTY
PLANNING BOARD ~ SPECIAL MEETING MINUTES
June 12, 2019 7:30 PM**

CALL TO ORDER Chairman Murphy

SALUTE TO THE FLAG

OPEN PUBLIC MEETINGS ACT

Welcome to a Special Public Meeting of the Township of Washington Planning Board. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Planning Board Secretary to the Bergen Record newspaper and the Ridgewood News. This notice has been posted on the Township Bulletin Board and on the Township website.

Please notify the Planning Board Secretary for any disability requirements necessary for attendance at Planning Board meetings. The fire exits are located through the double doors to your right and through the door on your left. Please silence all cell phones.

ROLL CALL: Mr. Golick Absent, Mr. Pinnick Absent, Mr. Sabino Absent, Mr. Sears Present, Mr. Vinagre Present, Mr. Scudieri Absent, Councilman Cumming Present, Mayor Calamari Present, Chairman Murphy Present.

ALSO PRESENT: Board Engineer-Paul Azzolina, Board Attorney – Louis Lamatina, Esq.

Chairman Murphy: Can I have a motion to open the Public Portion?

MOTION TO OPEN THE PUBLIC PORTION:

Motion: Mr. Sears Second: Mr. Vinagre

ROLL CALL: All Ayes.

Chairman Murphy: Since there is no one in the audience tonight other than our Applicant, can I have a motion to close the Public Portion?

MOTION TO CLOSE PUBLIC PORTION:

Motion: Mr. Sears Second: Mr. Vinagre

ROLL CALL: All Ayes.

Chairman Murphy: That takes us to our new business. We have an application for Binh Duong IV, LLC d/b/a PHO BINH DUONG IV, requesting site approval in connection with its proposed Leasehold of Unit No. 255 in Washington Town Center for the operation of a Vietnamese Restaurant. The Applicants are here, please come forward to sit at the table and make sure your microphones are on. Is everyone going to testify?

Applicants, Ms. Pham and Mr. Le are sworn in by Board Attorney.

Chairman Murphy: Can we have your name and address for the record, please?

Ms. Pham: My name is Kathy Pham, my address is 515 Dotter Lane, Elizabeth, NJ 07208

Chairman Murphy: Thank you. Have you received the Engineer's Report from Mr. Azzolina's office dated June 12th?

Ms. Pham: Yes.

Chairman Murphy: Okay, thank you. Why don't you give us a quick synopsis of your hours of operation, and that type of thing, how many employees and things of that magnitude.

Ms. Pham: We have taken over from Pho Miu, the Vietnamese restaurant, and we will continue to operate a Vietnamese restaurant, also.

Chairman Murphy: So with this report, there are no real changes being done to the facilities?

Ms. Pham: Yes, we are just planning to get new chairs and paint. But right now, we won't do anything yet – we are still waiting for approval.

Chairman Murphy: These signs are okay – these are your proposed signs. It meets the requirements of the Center, as well as ours, so you are okay there. Does anyone have any questions off of Paul's report? Mr. Sears?

Mr. Sears: It's Pho Binh Duong?

Ms. Pham: Pho Binh Duong IV, LLC.

Mr. Sears: And do you have another establishment somewhere else – another restaurant? Or is this your first restaurant you are opening up?

Ms. Pham: This is the first one in the town.

Mr. Sears: Oh. But you do have other restaurants?

Ms. Pham: Yes.

Mr. Sears: You are from where in Vietnam? Danang?

Mr. Le: Ho Chi Minh City.

Chairman Murphy: Gentlemen – anything else?

There was no one.

Chairman Murphy asked the Applicants if they have any questions as to the process.

Mr. Le: No.

Chairman Murphy: Then if no one has any other questions, since it is a restaurant taking over for the same exact restaurant that is currently there, may I have a Motion to accept the Application as submitted?

MOTION TO APPROVE THE APPLICATION AS SUBMITTED:

Motion: Mr. Sears _____ Second: Mr. Vinagre

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Vinagre, Chairman Murphy.

Motion passes.

Chairman Murphy: Congratulations – welcome to town and good luck.

Mr. Sears: When do you plan on opening?

Mr. Le: In the middle of July. We will be cleaning and painting and waiting for new equipment to come in. About a month.

Mr. Sears: Same type of menu, or different?

Mr. Le: We will also do Vietnamese food, but the menu is a little bit different.

Mr. Sears: Okay – welcome.

Board members wish the Applicants good luck.

Chairman Murphy: Do we want to do this Resolution now?

Board Attorney: I prepared a Resolution, it is pretty much the same that we have done, there's really nothing different. If you want to take a quick look at it, you could vote on the Resolution right now. The only real changes – there are changed hours from the other place. The hours are Monday – Sunday 12:00 p.m. to 10 p.m. There shall be 4 employees – that's really the only difference from the prior one we approved. There is a provision for knock box, which is standard.

Mr. Sears: Did they ever get that universal key, Mr. Mayor?

Mayor Calamari: I will check with the Landlord tomorrow – I don't know the status.

Chairman Murphy: Okay – you have the Resolution in front of you, and as our attorney has pointed out – he has the hours that are different in this Resolution from 12 p.m. to 10 p.m. and four employees, everything else is standard wording. May I have a motion to accept the Resolution as submitted?

MOTION TO ACCEPT THE RESOLUTION AS SUBMITTED:

Motion: Mr. Sears _____ Second: Mr. Vinagre

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Vinagre, Chairman Murphy.

Motion passes.

OLD BUSINESS – RESOLUTION

Chairman Murphy: You also have in front of you the Resolution for Immaculate Heart Academy from last week's meeting. Please take a minute to review it.

Board Attorney: This Resolution covers everything that was discussed at the hearing.

Chairman Murphy: In #3 on Page 3 – wasn't there some testimony that they were going to try and save that one tree if they could?

Mayor Calamari: That is on the next page.

IMMACULATE HEART ACADEMY: 500 Van Emburgh Avenue, Block 1302, Lot 1

Approval of Resolution granting conditional use approval and bulk variance relief in connection with the Site Plan to construct a series of walls and steps to existing portable

bleachers and the installation of an ADA-compliant path to a dedicated viewing area for the athletic field and associated fencing, landscape lighting and plantings.

MOTION TO APPROVE THE RESOLUTION AS PRESENTED:

Motion: Mr. Sears Second: Councilman Cumming

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Vinagre, Chairman Murphy.

Motion passes

Chairman Murphy: Can I have a Motion to go into closed session?

Mr. Sears: Before we do that, I want to bring up to date on the Master Plan.

Chairman Murphy: Yes – thank you.

Mr. Sears: I asked Jeff to send to Barbara a copy of the Master Plan to review. I did not want him to come to the July 10th meeting, because we only paid for his attendance at 3 meetings, and that would have been his third. And we would have had to pay him to come for an open public session. I asked him to send him a copy of the Master Plan that we reviewed so we can review it one more time, and I ask Barbara to send it to everybody and town attorney and engineer. Then if we have any questions, we filter them through Barbara to Jeff. I am looking at our next meeting would be the 31st. He was here and did review what we originally had and we sent him questions. He corrected everything – so please read the digital copy that Barbara will send, and after you read it, please acknowledge back to Barbara that you have read it, and if you have a question, send it to Barbara. Barbara – just let us know that everyone has read it, so then we can schedule the public meeting and close this out.

Mayor Calamari: Sounds good.

Board Attorney: So, we are not meeting on July 3rd?

Chairman Murphy: I did too.

Board Secretary: I believe the 3rd was the meeting date, but it was discussed that...

Mr. Sears: We didn't have enough time for him to go and publicly present it or do the notifications, so we figured we would do a review digitally, respond back to Barbara that we read it, and any question. When we agree that it looks good, then we can schedule the public meeting in July – our next meeting in July.

Board Attorney: So, do we have a meeting on the 10th or the 3rd – that's my question.

Board Secretary: It is the 3rd on the calendar, but then we figured that wouldn't happen with people being away and we had scheduled a Special Meeting for the 10th, which now we won't need.

Chairman Murphy: So, we would cancel the 3rd – where we never had the 3rd, and the meeting for the Master Plan and any other applications would be on the 10th...

Mayor Calamari: No – it would be the one at the end of the month.

Mr. Sears: That will be the 24th – July 24th would be the public meeting.

Chairman Murphy: No – the 24th is the special meeting we did for Viviano, and then the 31st is our normally scheduled meeting, so it would be the 31st.

Mr. Sears: Yes, that's right. So, the 31st would be the Public review of the Master Plan.

Chairman Murphy: Okay, so then let's just do one last thing for Barbara, since now it is June 12th. Do you want to say by June 19th that everyone has to have their comments back if we get it out tomorrow, or do you want to say by June 21st? That would be a week and ½ if it goes out tomorrow.

Mayor Calamari: Yes, I would take the extra time.

Mr. Vinagre: Yes – I would say the 21st.

Chairman Murphy: So, when you send it out tomorrow, make sure it says everyone's comments are due back by the 21st – whether they have any or not.

Mr. Sears: They must acknowledge that they read it, then we will be ready to go on the 31st. Then it will fall into what we are paying them, and we'll be done.

Board Attorney: To be perfectly clear – we are not meeting on the 3rd, we are meeting on the 10th, if necessary.

MOTION TO GO INTO CLOSED SESSION:

Resolution No. PB-19-21 Closed Session RE: Potential litigation

Motion: Mr. Vinagre Second: Mr. Sears

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Scudieri, Mr. Vinagre, Chairman Murphy.

MOTION TO GO BACK INTO OPEN SESSION:

Motion: Mr. Sears Second: Mr. Vinagre

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Scudieri, Mr. Vinagre, Chairman Murphy.

MOTION TO ADJOURN:

Motion: Mr. Sears Second: Mr. Vinagre

ROLL CALL: Ayes: Mr. Sears, Councilman Cumming, Mayor Calamari, Mr. Scudieri, Mr. Vinagre, Chairman Murphy.

ADJOURNMENT – TIME NOTED: 8:10 p.m.

PLANNING BOARD

APPROVAL DATE

10/30/19

CHAIRMAN

[Signature]

SECRETARY

[Signature]