

Township of South Hackensack
BOARD OF ADJUSTMENT
February 22, 2010
MINUTES

At 7:45 p.m. the meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was advertised in The Record and the Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Chairman led the flag salute.
The Secretary called the roll.

Members Present

Lou LoPiccolo Brian Veprek Sr.
Luis Perdomo Victor Santos
James Diraimondo
John Falato

Members Absent

Blasé Coppola
Angelo Marrella
Bill Regan

Oaths of Office

Gregg A. Padovano administered the Oaths of Office for
Victor Santos – unexpired term for Perdomo 12/31/2010

MINUTES:

LoPiccolo motioned; Perdomo seconded the minutes of the
January 25, 2010 meeting. **All in favor.**

CORRESPONDENCE:

No new correspondence.

OLD BUSINESS

ZB Application #2009-10- Use Variance
Block 1.02 Lot 1.02 – 370/8 Route 46
GM 360 LLC

Paul Speziale, 2017 41st Street, North Bergen, NJ 07047. Attorney representing 370/8 Route 46. Stated the Athena Restaurant is located in the "M" zone which prohibits night clubs and cabarets, and understands the restricted language due to the recent past use of the property. Athena Restaurant will be of a different use than described in the

February 22, 2010

ordinance. The use will be primarily a restaurant, and incidental to the restaurant, will be traditional family Greek entertainment, He noted that prior use of the premises have been for the type of entertainment they are requesting, Carissima, Malfetta's and Athena (a different Athena). Athena will have dinner, music, a singer but no type of the adult entertainment prohibited by the ordinance and would like the board to consider their application.

Attorney Padovano swore in Mr. George Fillipatos.

George Filippatos
119 Gillette Road
Gillette, NJ

Attorney Speziale and Attorney Migliorino represented and questioned:

Mr. George Fillipatos stated GM 360 is a limited liability; he is sole manager for the operation of the company. Has invested approx \$400,000 for renovations. There will be 18-22 employees, 5 exit doors, and handicap accessibility. Operations will be 5 pm to 2 am Wednesday and Thursday; 5 pm to 3 am Friday and Saturday; 5pm to 2am Sunday; and Monday will be open for catering events. Athena has been advertised as a supper club not as a night club. The dance floor is 17' X 16'. The lease is restricted to food, drink, alcoholic beverages and entertainment appropriate for family & minors. The lease strictly prohibits, gentlemen's club, strip club, go-go dancing or any establishment that would not be conducive to anyone under the age of 21 or families. The only entertainment the lease enables is the entertainment suitable for families, minors or persons under the age of 18. All necessary licenses for entertainment will be obtained. He would seek permit for an international night with belly dancing. The belly dancing will function in the Greek culture appropriate for all age groups. Belly dancing would be held on Saturday night for special events with a ½ hour show.

There are parking spaces 34 on west side (on premises) and 15 parking spaces on the east side (off premises, Little Ferry). There will be professional bonded valet parking with 3-4 valets, available from 5 pm until closing every day including catered events. Vehicles will be brought to the front door of premise and no self parking would be permitted. Occupancy limited to 300 or less as required by Fire Prevention Bureau. A DJ will use tapes, non-catering events will be live.

Mr. Perdomo: Had questioned whether they plan to use an I-Pod on your normal non-catering events or will it be live?

Falato: Had questioned whether the entertainment will be a band. The Board's discussion has been about a musical band not belly dancing. His concern is regarding the previous tenant "Lace". Asked our attorney Padovano how we would distinguish from prior situations of this establishment. Could a restriction be placed on his LLC to prevent a future "Lace".

Padovano: Referenced the ordinance which states no go-go lounge with scantily clad persons dancing or moving in a suggestive manor. Belly dancing could fall into this category. The applicant should understand the distinction between a go-go or strip club. Will you permit any type of that to take place? When will the belly dancers perform and will you hire one on staff. If you put a condition on his LLC and his business ceases, they would have to come back to the board, but it would not necessarily hold.

Attorney Padovano swore in architect – Vassilios Cocoros, AIA
VCA Group
467 Sylvan Avenue
Englewood Cliffs, NJ
Current NJ licensed Architect for 13 years

A revised site survey was submitted and prepared by Koestner Associates, Hackensack, NJ, entitled "Survey of Lot 1.02 in Block 1.02" consisting of 1 sheet edit date, January 10, 2010.

Cocoros: Koestner Associates measured space and motel back spaces for a total of 134. Motel has 100 spaces leaving 34 spaces left over for restaurant. The 34 spaces are located in front of property, 6 along front entrance of which 4 are handicap spaces. With 15 spaces across the street on the west side of route 46 (Little Ferry). There will be no self parking. There will be less cars, since families usually 3-4 people per car as opposed to gentlemen's club that come alone. We have the police department's letter and will comply.

Veprek: Asked if the lease delineate how much space?
A copy of lease was provided to board at this time.

Falato: Indicated that the exhibited site plan did not comply with the South Hackensack Police Department written request. The cars are to be back off the curb and pedestrian walkway provided. Also, the east door must be marked as the entrance.

Veprek: Referred to South Hackensack Police Department letter, dated 1/26/10 written by Officer Chinchar. Revised plan required to be submitted to the board.

Padovano: Advised applicant that since there are only 6 members tonight, a vote 5 members out of 6 to pass. Or the applicant may come back for another meeting for a full vote..

LoPiccolo motioned; Diraimondo seconded a motion to approve the application for the entertainment of just the band without the belly dancing. DJ for catering events and comply with all police department recommendations.

All in Favor 6 Yes Votes: Veprek, LoPiccolo, Perdomo, Diraimondo, Falato Santos.

NEW BUSINESS

There was no new business.

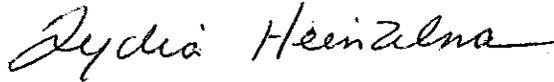
Meeting Open to the Public

Mr. Gary Brugger
26 Jackson Avenue
South Hackensack, NJ
Township Committeeman

Stated that there were problems with the piece of property years ago. A family restaurant would be welcomed. The restriction the board is placing is very prudent. The Board is to be commended for being very cautious with the Route 46 businesses. He was happy to see more of these type of family businesses coming to Rt 46.

At 9:04 p.m. **Veprek motioned; Falato seconded to adjourn. All in favor.**

Respectfully Submitted,



Lydia Heinzelman
PB/ZB Secretary

February 22, 2010

Township of South Hackensack
BOARD OF ADJUSTMENT
March 22, 2010
MINUTES

At 7:31 p.m. the meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was advertised in The Record and the Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Chairman led the flag salute.
The Secretary called the roll.

Members Present

Lou LoPiccolo	Brian Veprek Sr.
Victor Santos	James Diraimondo
John Falato	Bill Regan

Members Absent

Blasé Coppola	Luis Perdomo
Angelo Marrella	

MINUTES:

LoPiccolo motioned; **Veprek** seconded a motion to approve the minutes of the February 25, 2010 meeting.

All in favor.

CORRESPONDENCE:

No new correspondence.

OLD BUSINESS

Memorialize Resolution:

ZB Application #2009-10- Use Variance and Parking Variance

Block 1.02 Lot 1.02 – 370/8 Route 46

GM 360 LLC – D/B/A Athena Restaurant

Padovano: Resolution memorializing GM 360 LLC, d/b/a Athena Restaurant, 119 Gillette Road, New Jersey, applied to Zoning Board of Adjustment of the Township of South Hackensack (the Board) for Parking Variance and Use Variance Approval to permit restaurant use with accessory live entertainment use in connection with utilization use of a portion of the subject property

March 22, 2010