

REGULAR MEETING OF JANUARY 23, 2007

Mayor Weinstein called the meeting to order at 7:30 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, annual notice of all meetings of the Borough of Fair Lawn was published in The Record issues of December 15, 2006. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website. The annual notice identified the times and locations of the Council meetings and Work Sessions.

PRESENT: Mayor Weinstein, Deputy Mayors Etler and Tedeschi and Councilmembers Baratta and Trawinski.

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Rosenberg.

COUNCIL COMMENTS

Mayor Weinstein stated that before he opens up to Council Comments, on behalf of the Council he would like to express his condolences to the Bombardier family who lost a son. The family has lived in Fair Lawn for many years. He also offered his condolences to Attorney Rosenberg for the passing of his Mom. He acknowledged George Frey who was the President of the Board of Education, Superintendent of Parks and Recreation, a good friend. He was not only seen at events in town, he did a lot of the heavy lifting and coordinating. He would be at all these events with an outstretched hand to embrace people and make them feel good, tell them a good joke or a good story, but always making them feel good. His legacy in his mind, will be one of hard work, love, warmth and appreciation. He will live on in our hearts and minds forever. He asked everyone to stand for a moment of silence.

Councilmember Baratta stated she had no comments since she felt he said it all.

Deputy Mayor Etler stated he echoed Mayor Weinstein's comments.

Deputy Mayor Tedeschi stated he had no comments.

Councilmember Trawinski stated he would like to echo Mayor Weinstein's comments. He offered his condolences to Attorney Rosenberg for the passing of his Mom. He thanked Richard Lustgarten for his diligent and successful work in the Landmark litigation. There were questions from some members of the public whether the Borough would pursue this litigation. The fact that Mr. Lustgarten was successful in having the case sent back to COAH mediation, to him, is proof positive that the Borough has vigorously pursued this litigation. He thought this was a crushing defeat for Landmark and a significant victory for Fair Lawn. He felt the Borough was not out of the woods but would rather have COAH

mediating the issue of the propriety of their approval of their second round submission than having the judge in Hackensack rule on it. He felt it was a huge victory for Fair Lawn.

Councilmember Trawinski stated they had received a memo from the Manager regarding a memo he had received from Chief Rose. He stated that he knows they hear complaints about the Police force but felt that the Borough has the finest force in the State of New Jersey. This memo pointed out exceptional police work by Lt. Cauwels and his team effort including, Patrol Officers Evangelista, Wassel, Mergler, Graziano, Wood, Vasquez, Nagle and Dispatchers Magarelli and DiRienzo. They effected 13 DWI arrests, 6 criminal arrests and 5 disorderly persons arrest. He thanked the Chief and Manager for sharing it with them.

Councilmember Trawinski said that finally, all too often, things happen in Trenton that the residents don't realize are happening. Fortunately the Borough is part of the League of Municipalities. The Borough received an update from the League that pointed out that despite objections of the League, Purchasing Association of New Jersey, the Association of Environmental Authorities and the Association of Counties, no one in Trenton listened to the concerns of the local government in saying that municipalities can no longer receive, award or open bids on Mondays, effectively reducing the municipal work week on the bid process to four days. This was done to accommodate the contractor, rather than upholding the requirements of the public bidding law. They all need to be attentive as the legislation works through bills such as this because they affect everyone.

Mayor Weinstein stated he would like to echo Councilmember Trawinski's comments and appreciation to the Police force and also the job that Richard Lustgarten has done so far.

ORDINANCES: FIRST READING

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2069-2007

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC", ARTICLE II, "PARKING", SUBSECTION 232-11, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS AND ARTICLE XI, PEDESTRIAN CROSSING RIGHT-OF-WAY SIGNS, SUBSECTION 232-68, PEDESTRIAN SIGNS

Manager Metzler stated that this ordinance has to do with petitions that were received from residents on 17th Street to prohibit parking between 8:00 and 10:00 a.m. on the west side of the street between St. Ann and Columbia Street. That action was recommended by the

traffic officer. It also removes the placement of pedestrian right of way signs on Morlot Avenue and 17th Street, Morlot Avenue and Philip Street and River Road and Lyons Avenue and adds Pollitt Drive mid block north of Fair Lawn Avenue and River Road mid block north of Lyons Avenue.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski Resolution No. 45-2007 introducing Ordinance No. 2069-2007 was unanimously adopted.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Tedeschi, it was agreed to read the following ordinance by title, with Councilmember Trawinski dissenting.

Ordinance No. 2070-2007

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT" BY INCORPORATING INTO RESERVED SECTION 125-23 CRITERIA FOR A NEW "PLANNED INCLUSIONARY TOWNHOUSE AND MULTIFAMILY RESIDENTIAL DISTRICT" (R-5-4), AND DESIGNATING LOT 2 IN BLOCK 5729 AS THE "R-5-4" DISTRICT IN LIEU OF ITS PRESENT DESIGNATION AS "I-2 GENERAL INDUSTRIAL"

Councilmember Baratta stated that she would not be supporting this ordinance since they need to relook at it. She felt the ordinance was written for the developer. She felt they ignored recommendations from the League of Woman Voters, the Environmental Commission and from a lot of groups in town that gave good recommendations. The height is up to 45 feet which she thought was excessive. The set backs are too close to the street. She will be voting no on this ordinance. She wished that the Council would relook at this and see if they can tighten up this ordinance just a little bit to give more control to the Council and not the developer.

Deputy Mayor Etlar stated he would be supporting this ordinance especially since he felt this would be a big improvement by turning the wasteland into a townhouse development which would help meet our COAH development. It would be an asset to the community. This is a good plan.

Deputy Mayor Tedeschi stated he had no comment but would be supporting it. The only question he had was originally the height was 55 feet. Councilmember Trawinski stated it was originally 55 feet in the developer's proposal. He thought it might have been a typographical error.

Councilmember Trawinski stated this was the first time in slightly over five years that he has had the privilege of being on this Council that he has not voted to introduce an ordinance. He felt so strongly that this Ordinance does not even deserve discussion in a

public forum yet. His analysis of this Ordinance is that there are enough loopholes in this Ordinance that a developer could drive probably enough tractor trailers through it to go from one end of the New Jersey Turnpike to the other. He would have liked to be in a position to support this Ordinance because he thought some of the objectives that the Council would like to achieve vis-a-vis satisfaction of our Mt. Laurel obligation or a portion of it from this site can have benefits to the people of Fair Lawn.

But, he was appalled and frankly disappointed by this Council that, after listening to the disk of the meeting last week, that only Councilwoman Baratta had questions of the developer. He noticed in the paper, for example, that the Mayor indicated that this would be good for the people of Fair Lawn because it would generate additional revenues.

It is axiomatic for a Council, unlike a Planning Board or a Zoning Board when considering legislation of this nature, where a developer gives them statistics on its projected sell out, its projected ratables, the current ratable projected real estate taxes, current real estate taxes, projected completion, projected number of students, to ask the developer to share the fiscal impact analysis that a developer has.

He said to Councilmember Tedeschi, at the time neither one of them were Councilmembers, and he participated in a public forum in March, 2005 on a thing called The Ratable Chase. Since he was not here he was going to ask the Council and the public to indulge him, but the gist of the ratable chase and a quote that he was able to find is the theory of ratables sounds good to municipal officials who are struggling to balance a budget. If a commercial or residential development pays more in taxes than it costs in services, then this surplus could be used to hold down the residential property taxes of the residents or their voters. Officials, however, are often mystified a few years later when their budget is still in trouble so they seek out infusion of funds from another good ratable. In many New Jersey communities, and he would respectfully submit in the Borough's this cycle has spiraled out of control transforming rural hamlets, semi-rural towns and suburban municipalities into sprawling municipalities with mind-numbing housing developments and even in some cases sterile malls. The only thing that remains constant are the municipal budgets remain in trouble and the misapprehension that the good ratable will solve the problem. Local citizens, and he would submit it should also apply to elected officials, can protect their communities from these bad business decisions by playing an active role in local and regional programming.

Councilmember Trawinski wonder what was wrong with the picture and what are the costs of development. They haven't analyzed as a Council, the real long term costs associated with this development. They have not analyzed as a Council the long term cost and impact upon the school system. It was reported in the Bergen Record this past Sunday that the average cost of educating a child in New Jersey is about twelve thousand dollars, and yet the average property taxes paid in New Jersey are about \$5,300.00. That data alone shows the potential for the problem that this development creates.

When Mayor Etler first approached him and Councilwoman Baratta after they had been elected in December of 2005 to talk to them about the issues that were on the plate of the Council, this was one of the issues that he talked about. He thanked him very much for bringing them up to speed on these issues, but he also told them that this development was going to be an age-restricted development if it came to fruition.

If this development were an age restricted development it would take care of a lot of the issues that are in his mind in terms of the ratable chase. Not all of them, but a lot of them. Instead not only are they not requiring the developer to give them the amount of Mt. Laurel housing and age-restriction that the developer had proposed in his original presentation, but the ordinance they have before them obligates the developer to give them even less than what the developer was willing to give them in the ordinance. As Councilwoman Baratta pointed out, the League of Women Voters has pointed this out as did Jane Diepeveen, a former member of the Planning Board, this municipality's Historian, and a licensed professional planner. She couldn't understand why they were giving the developer more than the developer asked for, and, frankly, he did not understand it as one of their elected representatives.

He stated he had some suspicions, he had some concerns. He did not know if they were realities or not. He had a concern that one of the principals in Shellmark, Mr. McNerney, was an employee under a professional services contract of this Borough and even was re-appointed in 2006 until he realized this development was coming in and tendered back the contract. He said he had a concern that Mr. McNerney was a major "pay-to-play" contributor over the previous four years. He would not be in violation, to the best of his knowledge, of the Borough's current Ordinance but it still gives him pause as to why they are giving the developer more than the developer asked for.

Something that Mr. Rubinstein said at one meeting in response to a question he posed to then Mayor Etler also has troubled him. When this Council in the past has been asked "how come my taxes are going up so much" and people point to the total tax package, the answer of this Council is "go see the School Board, they raised the school taxes". Mr. Rubinstein, for the first time, opened his eyes to the fact why every time the Council allows this type of density and they don't age-restricted housing, they are in effect increasing our taxes, substantially, because they are forcing the School Board into the position to have to raise that additional \$12,000.00 per child.

He said he was also not supporting this because he believed Colin Quinn misled this Council in his statement on January 22, 2007. He told the Council that this Ordinance meets all the requirements for a zone change. Frankly, there are no requirements for a zone change. He went on to say he believes it satisfies all the requirements of the master plan, master plan element and amended master plan. He was disappointed that no one on this Council asked him, if that was his view, why in the submission from the developer did Mr. Quinn's client say to this

Council the initial step in the process is to amend the master plan to change the industrial classification of the site plan redevelopment mixed residential use. The initial step was not to re-zone, but to change the master plan.

Later on in their Work Session they have for the Borough Attorney the question of whether or not this constitutes spot zoning. Ordinarily, it does not. Except when it's not done pursuant to a comprehensive plan. The developer has conceded in the developer's submission that they don't have that comprehensive plan. The developer has also conceded to them that the amended master plan serves as the basis for the zone change amendment.

So he believes, not only does it exacerbate the ratable chase in Fair Lawn, it constitutes spot zoning. He was also not supporting this because there's nothing in this ordinance to stop development from taking place before the remediation is completed, thereby placing the residential occupants pending remediation, in his opinion, in jeopardy.

The developer said, in the Executive Summary, that they wouldn't do work until the environmental cleanup was completed. The quote is "Upon the completion of the environmental cleanup, the buildings are to be demolished to make way for the site's redevelopment with a multi-family condominium complex containing four product types". This ordinance allows the developer to proceed without having completed the environmental remediation. Now what some members of the Council may say - well, the DEP regulates that. The developer was willing to concede that they wouldn't do it until the environmental remediation was done. The ordinance was silent on that.

As Councilwoman Baratta pointed out, they have ignored the advice of their own experts. He would include in that category the Planning Board. They recommended this zone change with the understanding that Cheryl Bergailo's recommendations regarding COAH and other suggestions be incorporated into the ordinance. If they look at Cheryl Bergailo's letter some of her requirements are incorporated. Some are either put by way of suggestions or not incorporated at all.

For example, she said the ordinance should require the submission of architectural plans and it does. She goes on to say and it's very important, he believed, for those residents on Third Street especially that if the Borough has design preferences such as pitch roofs versus flat roofs or material preferences, these should be added to the ordinance. Particularly with respect to multi-family projects such as this, differentiation of buildings to avoid look-a-likes is often desirable. They didn't even talk about putting that in the ordinance. The truth is they, as a Council, talked about this ordinance on a very limited basis. They purported to listen to the public on the environmental issues. They purported to listen to the public on September 19th and then when they took the one consensus that they took before Councilman Tedeschi was on this Council, that they wanted this site to be 80% age-restricted, it was ignored in the draft. They never discussed why it wasn't there. Ms. Diepeveen also pointed out the ordinance permits up to four stories and 55 feet which

was changed to 45 feet after discussion, he believed, between Michael Kates and the developer that the 45 feet was intended to be there all the time. She said it was generally recommended that buildings taller than 35 feet be set back more than 20 feet from Fair Lawn Avenue and Third Street. They have only set them back 20 feet from Third Street at a 45 foot height. Just how far depends upon the mixed, building heights throughout the project and the number of buildings. However for purposes of this ordinance, it may be appropriate to say that buildings over two and one half stories should be set back the height of the building. They did not even consider putting that into the ordinance.

The recommendations from Wendy Dabney and the Fair Lawn Environmental Commission were also not followed. They did not make it clear in this ordinance that they will still require Environmental Impact Statements. To his credit, then Mayor Gordon in 1985 was very instrumental in making sure this Borough had a comprehensive EIS. They have required an environmental inventory in this ordinance but not an Environmental Impact Statement. As an Applicant's attorney I can tell you there is an enormous difference.

Ms. Diepeveen recommended a tree survey be required. She recommended a mini bus stop near the Senior unit, bike racks in common areas, solar street lights and outside fixtures and asked whether or not they would consider implementing green building practices. The Council did not even discuss it. It's not a question that they rejected it. They as a Council never talked about it.

Frankly, the Council has spent more time talking about the McMansion ordinance than they have about this ordinance which has chosen to put 187 townhouses and wallop the tax payers of Fair Lawn in the future. Jane Diepeveen pointed out by analyzing the existing townhouse zoning and the other townhouse zoning that, because of the way these townhouses are structured, they don't even meet the definition of townhouses in the Borough Ordinance and the Council would need to revise the definition of townhouses. He wondered whether or not, based upon that definition, that what the developer is proposing to build can even be built.

Councilmember Trawinski stated that Mrs. Diepeveen also pointed out the proposed R-5-4 zone calls for a maximum of two bedrooms per unit but the townhouse plan shows a family room/guest room, which can be used as a third bedroom. She raised questions about the estimate of school children which initially he did not question and then after he spoke to Superintendent Watson and based upon the real-world experience from the McBride Development, he learned that the original estimates that they received for that were wrong. He stated that Mrs. Diepeveen pointed out about the height regulations and suggested that maybe the first story, since it's going to be a garage, could be depressed a foot or two below finished grade which might end up leaving a 40 foot height limitation and still give the developer the four stories. The Council never discussed it.

Councilmember Trawinski stated that the Council never discussed that the townhouses in

the interior of the development have streets on three sides of the buildings, which she points out and which I am very much mindful of is not an attractive aspect for “luxury” or “upper-end” homes. She pointed out that the building and impervious coverage requirements should be lowered to provide more green area around the townhouse. Incredibly in this ordinance they gave 60% impervious coverage requirement and the developer only asked for 45%. He did not understand why they were giving the developer 15% more than the developer asked for.

He said that Mrs. Diepeveen pointed out that some of the amenities should be relocated to a different area of the site. She points out inconsistencies dealing with the bulk requirements between the elevations that were given to Council versus the unit plans, which suggested to him that the developer really has not finalized his plans. Mrs. Diepeveen did point out that a three and one-half story building, 180 feet in length, is too large a mass to face the modest homes across Third Street and yet they didn’t even see fit to discuss about moving it back from Third Street.

He felt this ordinance was not ready. It needs to go back to the drawing board and maybe then he could support it. He also did not want to forget about the commitments Clariant made, too. Clariant made a commitment to this Council that it would stand behind the financial clean up and also submit to the Borough reports as they were submitted or received from the DEP. They have nothing in this ordinance that obligates that. It was totally silent, but Clariant said they had no problem doing it and he did not understand why it was not in the ordinance as well. For all of those reasons he will not support this ordinance in its present configuration.

Mayor Weinstein stated Councilmember Trawinski has been on the Council for over a year now, he absolutely had the chance to talk about all the issues he just discussed. Mayor Weinstein said that Councilmember Trawinski missed the last work session. He told them move on without him but he wanted to address some of the issues that were pertinent to the ordinance.

Mayor Weinstein stated he wanted to address the issue of students in the school. He believed that the number was 11 or somewhat more. The thing that people forget is that in a cost analysis, there are fixed costs before you go to the next level. So to say it is \$12,000 a student, right from the first student is the incorrect analysis. He believed that both himself and Councilmember Baratta were misquoted because it also said that they have a requirement for senior housing. What he said was that they have a need for senior housing. He will not even discuss that except for one issue, in looking into the tax situation, he did speak to the CFO as to the net effect of the rateables and there would be a positive flow to the Borough. Regarding age restricted housing, what was is not now. The market on age restricted is not what it was a number of years ago. In fact, assisted living complexes are not being built anymore. He believed there should be an age restricted component in this ordinance and there is. Regarding COAH, the Borough has to meet the minimum amount of COAH. Initially Councilmember Trawinski wanted to give the 55 feet

because he wanted to increase the COAH obligation in that district which would have burdened the residents in that district. He was not for that. Regarding the height, he agreed, that one of the things he was going to say tonight was that he felt the ordinance should be passed but he would ask the Planning Board to address the height measurements and see if the height should be pushed back versus right up in front. Regarding the Master Plan and planning ahead, Mayor Weinstein said he had the developmental review book that was prepared August 2001 by Square Foot. In the book they discussed that there should be a residential component in the area. He said that River Road has looked at this and thought it was a good idea. Regarding the Open Space issue, there were discussions that this area could be made into open space. The other day he spoke to Michael Hakim, the Green Acres Professional, who reminded him that Green Acres does not look to purchase brown fields. Even if that was the case, the layout of that piece of property would be impractical for open space. The best use of this property would be residential and with the clean up and with the highlighting of environmental issues and historical issues such as the weir, he believed they were moving in the right direction. He would ask the Planning Board to look at the height, the issue of setbacks and buffers and to come back in the next few weeks with their ideas.

Deputy Mayor Tedeschi asked Councilmember Trawinski to clarify something. He wondered as a member of the River Road Improvement Corporation, has he and the group reviewed this project. Councilmember Trawinski stated yes. The group supports the project. Deputy Mayor Tedeschi asked if he ever brought any of these issues to the River Road Improvement group. Councilmember Trawinski stated absolutely. In most cases they listened and he was assured by Don Smartt that the project would be somewhere in the neighborhood of 80 to 100% age restricted. He was assured that there would be no construction until the environmental remediation was concluded. Deputy Mayor Tedeschi wondered if the position that Councilmember Trawinski took tonight was consistent with every other position he has taken. Councilmember Trawinski asked what other position has he taken. Deputy Mayor Tedeschi stated that he laid out the history of the world here, so he assumed that Councilmember Trawinski had all his positions there. He stated that Councilmember Trawinski introduced a lot of different positions at the eleventh hour. The one that he didn't include was that the Borough is facing a lawsuit from another developer on the other side of town and the lynchpin of their argument is that there is no zoning in place to allow this.

Attorney Rosenberg advised him that he was delving into what is a topic of litigation, it is not appropriate for public comment. Deputy Mayor Tedeschi stated that he had spoken to Mr. Lustgarten about this issue and he has gone as far as he can go because these are all facts that are available to the public.

He continued that at the beginning he said that Councilmember Baratta was the only one that asked any questions. Evidently he missed some of the meeting on the disc because he asked whether they were there to negotiation with these people tonight the answer was no, were they there to try to develop the zoning change, and the answer was yes. He did

not know how they were going to resolve this but he did not expect this to turn into political

received the final draft from former Attorney Kates. Up until then, they never talked about the contents of this ordinance. With Mr. Lustgarten's success on having this sent to COAH for mediation, he did not understand the rush to move this ordinance.

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Tedeschi, Resolution No. 46-2007 was passed with Councilmember Baratta and Councilmember Trawinski dissenting.

Upon motion by Deputy Mayor Etlar and a second by Councilmember Trawinski, it was unanimously agreed to read the following ordinance by title.

Ordinance No. 2071-2007

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 94 ENTITLED "FEES", ARTICLE VI, SCHEDULE OF FEES, SUBSECTION 94-12, "MISCELLANEOUS FEES" AND CHAPTER 160 ENTITLED "PARKS AND RECREATION AREAS", SUBCHAPTER 160-6 "MEMBERSHIP FEES"

Manager Metzler explained that this ordinance would change the membership fees for Memorial and Walsh Pools along with the camp program and the Recreation/Community Center.

Upon motion by Deputy Mayor Etlar and Councilmember Trawinski, Resolution No. 47-2007 introducing Ordinance No. 2071-2007 was unanimously passed.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Upon motion by Deputy Mayor Etlar and a second by Councilmember Baratta, the time for public comments on Agenda items only was opened.

There being no comments from the public, upon motion by Deputy Mayor Etlar and a second by Councilmember Baratta, the time for public comments was unanimously closed.

RESOLUTIONS BY CONSENT # 3-2007

Upon motion by Deputy Mayor Etlar and a second by Councilmember Baratta, Consent Agenda 3-2007 containing the following items was unanimously passed.

- a. Resol. #48-2007 - Refund of Overpayment of Taxes
- b. Resol. #49-2007 - Approval of Minutes:
 - Work Session 10/3/06
 - Closed Session 10/3/06
 - Regular Meeting 10/10/06

- c. Resol. #50-2007- Approval of Raffles & Bingo:

Temple Avoda off premises 50/50

- d. Resol. #51-2007 - Authorizing Tax Appeal Settlement - SK Energy
- e. Resol. #52-2007 - Authorizing Tax Appeal Settlement - Storage Assets
- f. Resol. #53-2007 - Professional Nursing Services - Valley Nursing Services
- g. Resol. #54-2007 - Authorizing Issuance of Massage Establishment and Massagists Licenses - A1 Style
- h. Resol. #55-2007 - Loss Control Services - Commerce Risk Control
- i. Resol. #56-2007 - Liaison to Garden Club
- j. Resol. #57-2007 - Liaison to Cable Television Board
- k. Resol. #58-2007 - Change Order - Improvements to Fair Co. #2
- l. Resol. #59-2007 - Open Space Committee

RESOLUTION NO. 60-2007 - License Agreement - 5-6 6th Street

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Tedeschi, Resolution No. 60-2007 was passed with Councilmember Baratta recusing herself.

MISCELLANEOUS PUBLIC COMMENTS:

Upon motion by Deputy Mayor Etlar and a second by Councilmember Baratta, it was unanimously agreed to open the time for public comments.

Harvey Rubinstein, 28 Rutgers Terrace, talked about Ordinance No. 2070-2007 and how there was no benefit for the residents and how he felt it was not in the best interest of the residents. It leaves too much to the developers discretion. He said the ball stops here at the Council. It is their responsibility to stop this. There are experts that should be part of this process. He felt this ordinance would change the town to an urban city. He spoke about the quality of life and how they should not allow buildings on toxic property. He suggested the Council shelve the ordinance until the land is clean and safe. Mr. Rubinstein said he read in a magazine that north Jersey is prime business area and wondered about the Kodak site.

Deputy Mayor Tedeschi asked him under what conditions does he think they could build on that site. Mr. Rubinstein felt when it was pristine. Deputy Mayor Tedeschi asked him as a member of the Planning Board, would he support this ordinance. Mr. Rubinstein said he was not prepared to vote on this ordinance.

Attorney Rosenberg advised that he could not comment on the ordinance as a member of the Planning Board.

John Cosgrove, 31-08 Heywood Avenue, stated he was going to McGraw Hill to accept recognition for the award winning community center.

Arlene Rubinstein, 28 Rutgers Terrace, stated if the Council cared for Fair Lawn, they should shelve the ordinance and start from scratch. She felt that Colin Quinn, the Attorney for the developer, wrote this ordinance and Mr. Kates copied it. A few years ago the

Council passed a height ordinance and said that no other building would be higher than the

Community Center. She questions the philosophy of not being able to build on browns fields. Mrs. Rubinstein talked about the petitions that were given to the Council with 75 signatures of people opposing that type of development on the site. She felt it was very disturbing to see that the Council will just rubberstamp this ordinance.

Anna Dinardo, 13-06 2nd Street, stated she lives on 2nd Street and has many concerns about the environmental issues with a business that is scrubbing acid. The noise is very loud. She had contacted the Building Department, Health Department and the Environmental Commission to see if they could help her. Mayor Weinstein asked Manager Metzler to make a note of this. Ms. Dinardo asked where did this come from. She felt the Borough needed to be careful with environmental issues. Ms. Dinardo felt the residents should be made aware of what is going on. She also wondered where the EPA specifications were. Fred Graff, 19-19 Jordan Road, stated he had problems with stray cats and with a resident who is feeding them. There a huge amount of cats in the neighborhood. He has spoken to the Health Officer who sent Mr. Bailey from the Health Department who spoke to the resident about the problem. The resident does not listen. He thought other towns have passed an ordinance about stray cats. Mayor Weinstein asked Manager Metzler to investigate the problem.

Claude Bienstock, 39-11B Broadway, offered condolences for George Frey. He attended a meeting about historical homes such as the Naugle House and Garretson Forge and urged the Council to preserve these homes.

Pam Coles, 13-34 George Street, wondered if the pedestrian signs were doing any good since another person was hit by a car on Fair Lawn Avenue. She was unwilling to have this happen. She felt that the River Road business district should be working on this. She said she is scared of the traffic and especially with the development of the Clariant site. Mayor Weinstein stated the traffic would have a minimal effect. Ms. Coles felt it would have a maximum effect and she expects the developer to submit a plan. She thought that RRIC was selling this as a good idea but have they thought how it will impact all of the services. She mentioned the petition that was signed by 75 residents and given to the Council. Mayor Weinstein stated that some were in favor of an adult community and some were in favor of open space. Ms. Coles felt that townhouses were not the ideal development for that area.

Suzanne DiGeronimo, 16 Beekman Place, said she was concerned about this development. She thinks the Council has made a mistake by introducing this ordinance. She said mining was done on that site in the early 1900's and in 1940 Sandoz Chemical purchased it. Sandoz laid the chemicals out on the land which seeped into the ground. She felt if Green Acres would not buy it, the Borough should consider purchasing it.

Stan Hayden, 12 Beekman Place, stated the town would be dead if they put up those townhouses and the infrastructure will be strained. Mr. Hayden wondered about the software system the Police Department was talking about. He stated that he contacted the DEP about this site. He gathered material from Assemblyman Gordon and Clariant. He felt

this property will never be cleaned up. The pollution is in the bedrock. He wondered how the Council could pass an ordinance on a site that is contaminated. They have also found contamination across the river from that site. He suggested the Council hire an expert to

advise them about the various issues with that site.

Stuart Golding, 14 Rutgers Terrace, stated he has heard all kind of numbers about what the cost for the Borough would be for that development. It would impact the Police, Fire, Ambulance, Rescue, Schools and the water and sewer departments. It would be horrendous. He said he was at wits end with the taxes. People don't want to spend \$900,000 on a house in Fair Lawn. Mr. Golding talked about the new Administrative Assistant position that will pay \$65,000. The Borough is supposedly cutting taxes and they should look for alternatives. He suggested they advertise in Bergen Community College and pay the individual \$15 an hour, instead of putting people in new positions. Mr. Golding spoke about the presentation that the Police Department made and wondered if the Borough could afford it. When the taxes come out, will there be another \$400 to \$500 increase. The people in Fair Lawn are getting to a point where it is just too hard.

Barbara Gremillot, 1 Bristol Place, said when an ordinance was passed a few years ago they said that the Community Center would be the tallest building in Fair Lawn. She felt that the Council did not listen to the taxpayers when they voted the Democrats out of office. She the three Democrats left on the Council do not listen to the residents. Mayor Weinstein stated that since he is on the Council and there has been no development. He mentioned the Naugle House and the development on Blue Hill. In regard to Clariant, he felt it was an eye sore. It will be developed once it is remediated. Green Acres will not buy brown fields. The petition he received shows that is a good location for development of some sort. He explained that he had issues about traffic but now that the Council passed the ordinance, it will go before the Planning Board where they will make their recommendations, then it will come back to the Council for it's second reading with changes. Mrs. Gremillot asked them to listen to the residents and to Councilmember Baratta and Councilmember Trawinski.

Rita Golding, 14 Rutgers Terrace, wondered if the developer would build single family homes on the site. Mayor Weinstein stated not on the property. Deputy Mayor Etlar stated they could but they would not do it. Mrs. Golding said that was the kind of housing they need instead of townhouses.

Craig Miller, 5 Ramapo Terrace, spoke about the Police Department's presentation about the CAD system. He felt townhouses would be all over the town which would not be good. He commended the Manager and CFO for attending the concerts at the Community Center. He did not see any other Councilmembers there. Councilmember Baratta stated he was wrong. Mr. Miller felt that River Road should put someone out there to direct traffic. He also suggested that the Council look into a better heating system at the Community Center.

Evelyn McHugh, 15-21 Raymond Street, stated this was the first time she had spoken before the Council. She has many concerns about the Clariant site. It has been an industrial site for over 80 years. How can the Council allow people to live on that site? She felt there were a lot of developers that would jump on that site to build other types of buildings. She expressed her concern about the increase in traffic and in the schools. She

wondered what would happen if the site could not be remediated. She felt it would open up the Borough's liability

Bob Gremillot, 1 Bristol Place, stated that last year the Council called the Clariant site a chemical wasteland. When Clariant made their presentation, they said they would clean it up. Why is the Council rushing this ordinance through? The DEP does not have enough staff to manage these sites. He hopes and prays that everyone looks closely at this site.

There being no additional comments from the public, upon motion by Deputy Mayor Etler and a second by Councilmember Trawinski the time for public comments was unanimously closed.

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Trawinski and second by Councilmember Baratta, the meeting was adjourned to Work Session at 9:15 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Steven Weinstein

Councilmember Jeanne Baratta

Deputy Mayor Martin Etler

Deputy Mayor Joseph Tedeschi

Councilmember Edward Trawinski