

WORK SESSION OF AUGUST 15, 2006

Mayor Etler reconvened the meeting at 10:00 p.m.

PRESENT: Mayor Etler, Deputy Mayor McCarthy, Councilmembers Baratta and Trawinski.

ABSENT: Deputy Mayor Weinstein

ALSO PRESENT: Manager Metzler, Municipal Clerk Kwasniewski and Attorney Kates.

MCDONALDS/IHOP:

Councilmember Trawinski stated he had asked that this matter be placed on the agenda after he was told that two people who were legally parked hit the cones which have been filled with concrete. They have a site plan and they are not in compliance. He wanted the Council to ask the Manager to direct the staff to enforce every rule and regulation. Closing the driveway will require vigilant enforcement. The Zoning Official and Construction Code Official need to be strict in their enforcement. He intends to ask the Zoning Board to rescind their site plan approval.

Mayor Etler wondered if they can order them to remove the cones. Manager Metzler advised that if the State of New Jersey had adopted the Federal Highway standards which only 17th Street have done the municipality may have some recourse. Assemblyman Gordon has not been able to determine if New Jersey has signed onto it. The only way the Police Department would have enforcement powers on private property would be by ordinance.

Councilmember Trawinski asked if there is a site plan that allows them to have the barriers. Manager Metzler indicated he reviewed the file and has not seen a site plan that allows the barriers. He explained the rubber cones were a compromise between the Zoning Officer and McDonalds to alleviate an unsafe condition while they were before the Zoning Board. Manager Metzler stated that they will be using the water filled Jersey barriers. Attorney Kates stated that he and the Manager will look at the situation.

The unanimous consensus was to have the administrative staff review this matter and to be certain that enforcement is undertaken.

MISCELLANEOUS PUBLIC COMMENTS:

Lou Silvestri, 1-30 37th Street asked if the Zoning Official was going to look at everything. Councilmember Trawinski replied that it was the Council's intent to have all the violations looked at now that the Court stay has been lifted.

Carol Soojian, 1-42 37th Street stated that since the drive through window was installed they have violated everything the Zoning Board said. The residents are very familiar with the history of this building. They were supposed to paint the building so it was aesthetically pleasing to the residents. That was never done.

CLOSED SESSION:

Upon motion by Councilmember Trawinski and seconded by Deputy Mayor McCarthy, the following closed session resolution was unanimously adopted at 10:15 p.m.

WHEREAS, the Open Public Meetings act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council of the Borough of Fair Lawn desire to discuss Anticipated Litigation; and

WHEREAS, these matters are ones which permit the exclusion of the public from such discussions; and

WHEREAS, public disclosure of the results of these discussions shall be made upon formal resolution of the matter except for legal strategy.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fair Lawn that the public be excluded since these matters as set forth above are ones which permit the exclusion of the public from such discussions.

Mayor Etler reconvened the meeting at 10:30 p.m.

ADJOURNMENT:

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned to work session at 10:30 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Martin Etler

Councilmember Jean Baratta

Deputy Mayor Owen McCarthy

Councilmember Edward Trawinski

Deputy Mayor Steven Weinstein

