

SPECIAL MEETING OF SEPTEMBER 6, 2005

Mayor Ganz called the meeting to order at 7:17 p.m.

PRESENT: Mayor Ganz, Deputy Mayors Etlar and Weinstein, and Councilmembers Caan and McCarthy.

ALSO PRESENT: Manager/Municipal Clerk Kwasniewski, Assistant Municipal Clerk Bojanowski and Attorney Lustgarten.

ORDINANCE: SECOND READING

Upon motion by Deputy Mayor Weinstein and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for a public hearing.

Ordinance No. 2025-2005

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 49, ENTITLED "AFFORDABLE HOUSING" BY ADDING SUBSECTION 49-14 R-1 RESIDENTIAL WITH INCREASED DENSITY AND AFFORDABLE HOUSING COMPONENT OVERLAY DISTRICTS

Mayor Ganz asked Attorney Lustgarten if the change that was made to the ordinance was a substantive change. Attorney Lustgarten advised the public hearing is on the ordinance as amended.

Elaine Winshell, 7 Beekman Place, stated that in 1987 the League of Woman Voters took the stand that Daly Field should be kept as a park and repeatedly urged the Council to acquire the property using State or County matching funds. Previous Councils said they would not consider this.

In 2004, relying on the past positions of the Council and advice that government grants would not be awarded for such a small parcel, they re-examined their stand on the Heyward tract and Daly Field. They reached the consensus that the two parcels should be developed for housing at a recommended density of 10 units per acre with affordable housing that would include at least 25% senior units. The League of Women Voters took its stand after studying pros and cons based on facts and statistical data. They do not take stands based on non-random opinion surveys.

Mrs. Winshell stated the League of Women Voters of Fair Lawn has a long history of working for senior housing for the Borough citizens. They believe that the Heyward tract would be a good site for medium density housing that would include at least 25% senior units. The affordable housing units should have 50% of the units reserved for seniors.

The proposed overlay zone at six units per acre would probably not provide for senior housing because this density is suitable only for one or two-family homes or townhouses, which most likely would not be one-story units. Except for the first floor of a two-family

homes, single-floor senior living would not be available. The proposed overlay zone does not address the type of housing permitted.

Mrs. Winshell concluded that the Heyward tract is a good location for senior housing because of its proximity to shops and services. She urged the Council to consider keeping a medium-density designation for this site on the Master Plan.

Donal Meyers, 8-22 Mayfair Terrace stated that he was surprised to hear that the Borough removed Archery Plaza from the Ordinance. He wondered if Barbara Walsh from the Council on Affordable Housing had reviewed the ordinance.

Harvey Rubinstein, 28 Rutgers Terrace questioned if COAH ordered the Borough to put the overlay zone on these tracts. Mayor Ganz informed him that COAH super imposed this on these tracts. He explained that the Borough has to comply with COAH's recommendation. Mr. Rubinstein asked if the Borough will have to have six units. Mayor Ganz told him the Council could challenge it.

Edward Trawinski, 3-33 Lyncrest Avenue, stated he was there on behalf of the Concerned Citizens of Radburn's Future. While he understood and supports this ordinance, he thought there was misinformation about COAH. In 1996 COAH did not required the Borough to adopt an overlay zone. In 1996 Archery Plaza was never included. He stated that he was on the negotiating committee. He felt that COAH has warped the facts. He implored the Council to go back to COAH and repair this ordinance. He also stated that he has not seen any remediation going on in that area. He asked that the Council take a look at this before proceeding.

There being no further comments by the public, upon motion by Councilmember McCarthy and a second by Deputy Mayor Etler, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember McCarthy and a second by Deputy Mayor Etler, the ordinance was amended to delete all references to Archery Plaza.

Upon motion by Deputy Mayor Etler and a second by Councilmember McCarthy, Resolution No. 242-2005 adopting Ordinance No. 2025-2005 was unanimously passed.

RESOLUTIONS BY CONSENT #25-2005

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Consent Agenda 25-2005 containing the following items was unanimously adopted.

- a. Resol. #243-2005 - Approval of Raffles & Bingos
 - Rotary Club of Fair Lawn, Off-premise 50/50
 - St. Anne Church, Off-premise 50/50
 - St. Leon Armenian Church, Off-premise 50/50
 - Fair Lawn HS PTA, On-premise 50/50

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Caan and a second by Councilmember McCarthy, the meeting was adjourned to the Work Session at 7:47 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC
Assistant Municipal Clerk

The undersigned have read and approved the foregoing minutes.

David L. Ganz, Mayor

Councilmember Allan Caan

Deputy Mayor Martin Etlar

Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein