

**REGULAR MEETING OF OCTOBER 26, 2004  
LYNCREST SCHOOL**

Mayor Ganz called the meeting to order at 7:31 p.m. Assistant Municipal Clerk Bojanowski 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" issue of December 19, 2003. Notices were also posted on the Bulletin Board located on the First Floor of the Municipal Building and at the Maurice Pine Free Public Library, copies mailed to The North Jersey Herald and News. The Annual Notice identified the meeting location and the time of the Council Meetings and Work Sessions.

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

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

**MANAGER'S REPORT:** Manager/Municipal Clerk Kwasniewski reminded everyone that the polling place for voting districts eleven and twelve has been moved from the Youth Center on Kipp Street to the Rescue Squad Building on Romaine Street.

**COUNCIL COMMENTS:**

Deputy Mayor Etler read his monthly activity report. He attended the Commerce Bank opening, Senior Olympics at Memorial, Street Fair on River Road, Garden State Grandmothers at the Embassy Suites where they distributed money to Foundations, Knights of Columbus "Art Show for Kids", Fire Board meeting, River Road briefing at Riveras, C.E.R.T. meeting, 3<sup>rd</sup> quarter Litter Patrol, Planning Board meeting, Fair Lawn Community Church Fund raiser where proceeds will be devoted to the Fair Lawn needy and Jim Croucher Volunteer of the Year Award which was given out by the County Executive in Hackensack.

Deputy Mayor Etler acknowledged the following people that attended the Litter Patrol: Megen Peterson, Johana, Sharon and Abigal Weinberg, Rosalyn Roimisher, Carl Thieme, Robert Boas, Fernand Gaudart, John Steffanie, Marty Etler, Betty McGennis, Charles Wolf, Judith, Amy and Kristine Skinner, Nicholas Tsinkelis, Russ Van Ness, Pat and Jennifer Comppen, Douglas Haker, Susan and Barry Winston. He also wanted to acknowledge the employees who helped in the clean up Ron Lotterman and Marty Peterson. He thanked everyone for their help.

Mayor Ganz stated they were appreciative of the people who participated in the Litter Patrol. It shows good citizenship.

Deputy Mayor Weinstein stated last month was a busy month for the Business Leadership Committee. They completed what they were charged with doing which was going out to the community with an economic development program for the town. He added they have a second meeting regarding the Broadway Improvement District. Both meetings were positive and they received input from the residents and other business in all areas. In the next few weeks they will be coming back to the Council to start the formation of the two entities. He stated this Saturday morning the Recreation Facility Committee met and toured for three hours all the fields and parks. He thanked the members of the Committee who got up early in the morning.

Councilmember Caan stated for many months he has listened to residents of Fair Lawn about Daly Field. He has heard a variety of different things. There are those who want no development not only on Daly Field but on Heyward and Archery Plaza. There are those that believe that Daly Field should be left open as recreation space but some development would be okay for Heyward or Archery Plaza. There are some who believe that development of the entire area would be beneficial. He stated the Council was not in the position to comment or give their opinions because until a couple of weeks ago no one had seen the proposed plan of the developers from Landmark. With that presentation given to the residents of Radburn he can now give his opinion on the matter. He felt they should do whatever they could to keep Daly Field open space for recreational use and to explore options that may be available. The Council agreed to hire a consultant to look at Daly Field, the Heyward tract, Archery Plaza and the Topps Property to see how they could develop the properties to keep Daly Field open space. He added they should do whatever they can to keep open space whenever there is an opportunity to do so. This is only the first step in this project and there are many other they need to go through before they get to the end result which is far down the road.

Councilmember McCarthy wished everyone a Happy and Healthy Halloween. He reminded all the motorist that on Sunday there will be unusually high amount of pedestrians on the streets trick and treating and to please use caution.

Mayor Ganz stated they have an event this weekend at Memorial Field for the children on Saturday at 10:30 a.m. and he encourages people to come out and participate it should be fun. He added they will be meeting a planner to give them a plan to develop the Heyward Tract, keep Daly Field and Archery Plaza green. They will also be examining the Topps property.

## **ORDINANCES: FIRST READING**

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

**Ordinance No. 1994-2004****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 13, ENTITLED "FIRE DEPARTMENT", AND MORE SPECIFICALLY ESTABLISHING THE POSITION AND PROGRAM OF JUNIOR FIREFIGHTER, BY CREATING ARTICLE XVIII, ENTITLED "ESTABLISHMENT OF JUNIOR PROGRAM"**

Mayor Ganz stated there would allow up to forty new Junior Firefighter positions between the ages of sixteen and eighteen years of age.

Councilmember Caan stated this program is similar to the Rescue Squad's program. It is an excellent chance for people who are interested in fire department to learn and work with the current firefighters.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 312-2004 introducing Ordinance No. 1994-2004 was unanimously passed.

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

**Ordinance No. 1998-2004****AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A: 4-53 FOR COMPLETE REVALUATION PROGRAM**

Mayor Ganz stated this emergency appropriation is necessary to commence the revaluation process. The revaluation is designed to bring everyone up to a hundred percent valuation. He stated some peoples taxes will go up, some will go down but most taxes should be about the same. He asked Borough Attorney Lustgarten if it was correct that this ordinance allows them to spread the cost over five years.

Borough Attorney Lustgarten stated this ordinance coordinates with Resolution 320-2004 which hires the appraisal firm for \$694, 500.00 which will be appropriated at roughly \$139,000.00 a year for five years.

There being no further discussion, upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No. 313-2004 introducing Ordinance No. 1998-2004 was unanimously passed.

**ORDINANCES: SECOND READING**

Upon motion by Deputy Mayor Etlar 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. 1989-2004

### **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED, "LAND DEVELOPMENT", MORE SPECIFICALLY SECTION 125-10 ENTITLED, "OFFICIAL ZONING MAP"**

Mayor Ganz explained this relates to the Naugle House as part of an agreement that would deed the house over to the Borough for \$1.00. Borough Attorney Lustgarten stated that was correct.

Mayor Ganz stated this is desirable for many reasons but most importantly the house will be preserved and the Borough will be able to display it.

Arlene Rubinstein, 28 Rutgers Terrace asked why the Council finds it necessary to change the ordinance rather than having the developer go before the proper boards to get the proper approval. Mayor Ganz explained if the developer went before the Planning Board he would require a use variance and the developer might not get the approval. Mrs. Rubinstein stated she appreciated saving the Naugle House but wanted to know how many units will be built in exchange. Borough Attorney Lustgarten stated the request by the developer was for eighteen townhouse units but this is all subject to Planning Board review. Mrs. Rubinstein asked how many acres. Mayor Ganz advised her it was two acres.

Jane Diepeveen, 14 Ryder Road stated she was very pleased that the Council has agreed to save the Naugle House. She understood why they changed the zone but believed it might be called spot zoning. Mayor Ganz stated there was an extensive discussion with developer who originally wanted twenty five units which the Council found unacceptable. They believe eighteen units on this site works. Deputy Mayor Etlar stated the code say ten townhouse on 2.2 acres. Mrs. Diepeveen asked Borough Attorney Lustgarten to clarify this. Borough Attorney Lustgarten stated they have three townhouse designations and this is an undeveloped area and this will bring in revenue. He added the mechanics will be hashed out in front of the Planning Board. Deputy Mayor Weinstein complimented the Historical Committee for requesting to save the Naugle House.

Mrs. Hayden, 12 Beekman Place asked how the people living there were going to be able to exit. Mayor Ganz replied the Planning Board would have to consider that so would the Bergen County Planning Board because it is a County Road.

Lisa Metzler-Press, 15 Allen Place asked if anyone had done any research on how this is going to impact the wildlife. Mayor Ganz stated they have not undertaken that study but was sure the Planning Board would take that into consideration. He advised her that an impact statement has to be filed on the developer and at that time it would be considered.

Chris Antonelli, 30-13 High Street asked if they have looked at the impact on the school system. Mayor Ganz replied eighteen additional houses would have very little impact on the school system.

Harvey Rubinstein, 28 Rutgers Terrace advised there is a deer trail that runs through the tract by the Naugle House.

Jane Diepeveen, 14 Ryder Road believed there had to be a formal resolution. Borough Attorney Lustgarten stated the Council has to state their reason and she might be correct that the reason needed to be in the resolution but the reason would be stated on the record. He recommended to the Council if they are in favor of this ordinance and adopt it tonight, the comments that are being made tonight would be incorporated into the minutes and those should be appended to the resolution of adoption. If the Council is in agreement with the three reasons stated.

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Etler, Resolution No.314-2004 adopting Ordinance No. 1989-2004 was unanimously passed.

Mayor Ganz articulated the three reasons for which the ordinance change were discussed at the work session. He stated the first reason is for Historic preservation of the Naugle House. The second reason is that townhouses are appropriate for that area since it is an undeveloped area on a County road in an area that is amenable for townhouses. The third reason was that it is highly beneficial to bring in ratables.

Councilmember McCarthy stated this concept is not unique to the Borough of Fair Lawn. Many municipalities as well as the Federal Government are using this process to preserve buildings.

Deputy Mayor Weinstein stated the Historical Committee made a strong case. The Council listened was for the change.

Councilmember Caan agreed with the Mayor about the three points, especially saving the Naugle House. It is rare opportunity where they can talk to the developer who wants to help save the house. The developer did have the option of knocking it down and building but wished to save it. The developer still has to go before the Planning Board and meet all the requirements before anything can happen. There is still work to be done and they will keep moving forward and the end result will hopefully be that the Naugle House will be saved.

Deputy Mayor Etler agreed with everyone and added he felt this was a good spot for townhouses.

Upon motion by Deputy Mayor Etler 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.

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 125, ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY ARTICLE V.A. ENTITLED "COOPERATIVE PARKING PLAN", SECTION 125-25, SECTION 125-56.3.A., SECTION 125-56.6.B(1), SECTION 125-56.8.A, AND SECTION 125-56.12**

Mayor Ganz explained this ordinance is designed to give relief to River Road Special Improvement District and to any other special improvement districts in town. It is designed to make certain that parking as it becomes available or is made available is on a district wide basis. The business owners have the ability to enter into a parking agreement that will give parking spaces that will count toward the amount of parking spaces they may need. He was certain that this will help increase the possibilities of having additional parking space throughout the Borough of Fair Lawn. This was good innovative planning.

Deputy Mayor Weinstein complimented the Council and the River Road Improvement District for changing the cooperative parking agreement. This is one of the ways the Council has been trying to be business proactive in seeking new businesses and the one that are already here to expand.

Harvey Rubinstein, 28 Rutgers Road asked if it was mandatory in the business district to pay for the parking cooperative agreement. Mayor Ganz stated it was voluntary but it is in the best interest of most land owners to participate in it because it reduces the parking requirements for them. He added they can still go to either board without entering into it, it is not mandatory.

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

Upon motion by Councilmember Caan and a second by Deputy Mayor Weinstein, Resolution No.315-2004 adopting Ordinance No. 1995-2004 was unanimously passed.

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

**Ordinance No. 1996-2004**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY, AMENDED**

Mayor Ganz explained that everyone knows how difficult it is to get CO's. He stated the Council has authorized the Manager to hire weekend help so inspections would now take place six days a week.

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



house. Mayor Ganz stated that Fair Lawn seems to be a desirable place to live. Ms. Nitescu voiced concerns about the dust and noise. She found it to be disturbing to the residents. She asked if while the construction was taking place would the Borough send someone to clean her house.

Harvey Rubinstein, 28 Rutgers Terrace questioned the plans and if any one had considered how the height of the building would block the sun in that area.

Deputy Mayor Weinstein stated that last winter, he the Manager, Architect, and Deputy Mayor Etlar met with the residents in the area. At the time no one had issues with the height. The only concerns they had were with parking and litter. He stated the construction company will minimize the disruption to the residents and they will keep it clean. The traffic flow will be improved with the new structure. He apologized if the residents did not get noticed.

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

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Resolution No.317-2004 adopting Ordinance No. 1997-2004 was unanimously passed.

#### **RESOLUTIONS BY CONSENT #26-2004**

Upon motion by Deputy Mayor Etlar and a second by Deputy Mayor Weinstein, Consent Agenda 26-2004 containing the following items was unanimously adopted.

- a. Resol. #318-2004 - Open Space Grant Application
- b. Resol. #319-2004 - Appointing Open Space Representatives
- c. Resol. #320-2004 - Special Emergency Appropriation Revaluation
- d. Resol. #321-2004 - Refund of Overpayment of Taxes
- e. Resol. #322-2004 - Approval of Raffles & Bingo:  
Temple Avoda, Off-premises 50/50
- f. Resol. #323-2004 - Removed
- g. Resol. #324-2004 - Change Order - Cleaning and Painting Cadmus Water  
Storage Tank #1
- h. Resol. #325-2004 - Authorizing Electronic Payments for Municipal Costs

#### **Resolution No. 326-2004 - Professional Services to Appoint Counsel for COAH Substantive Certification**

Upon motion by Deputy Mayor Etlar and a second by Councilmember McCarthy, Resolution No. 326-2004 was discussed.

Borough Attorney Lustgarten stated that unless a municipality has in place the certification that has been issued by COAH the municipality is susceptible to a builder coming in and developing at a greater density and disregarding the local zoning requirements. The Counsel on Affordable Housing issued a second round certification. The State Building Association challenged COAH's ability to adopt the rule. The Superior Court Appellate

Division gave the municipalities until December 15<sup>th</sup> to make an application to be certified by COAH or if they did not get it in the first place to make an application for it. It is essential to protect the Borough. He recommended the Council to adopt this resolution. Councilmember Caan stated Ron Mondello had worked on this before. He knows Fair Lawn, the issues and the applications so it is appropriate that he represent them in this matter.

There being no further discussion Resolution No. 326-2004 was unanimously passed.

### **Resolution No. 323-2004 - Authorize Receipt of RFP - Planner**

The resolution was deferred.

### **MISCELLANEOUS PUBLIC COMMENTS:**

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

David Merker, 13-11 Ferry Heights asked what were the laws and requirements concerning landlords. Mayor Ganz advised him it is in the Borough Code which he could get on line or at the library and if he was unable to obtain the information he could email him and he would get him the information.

Arlene Leibman, 40-02 Ackerman Drive stated several years ago the Council voted in favor of parking restriction surrounding Fair Lawn High School. She stated the residents of the town voted last spring in favor of the referendum allowing the Board of Education to update and expand the school once the construction begins students and staff will have to start parking on neighboring streets. Eighty spots are given to the senior students by a lottery. Three hundred and fifty five student will be licensed to drive by January and by June that number will double. She stated with the support of the Fair Lawn High School PTA they have initiated a petition with nine hundred and twenty five signatures asking parking restrictions on neighboring street be lifted during the construction period. Fair Lawn High School has been a respectful and considerate neighbor. Fair Lawn High School serves as a center for community events and will be affected. She asked the neighbors be thoughtful and support them through during this period of construction.

Mayor Ganz stated more than a month ago the Council directed the Manager to work with the Traffic Safety Officer and Engineer to survey all parking spaces in a reasonable area near the High School to determine the actual number of available spaces. They are trying to figure out what will happen with the number of spaces that will be lost behind the school and what they can gain on the side. Manager/Municipal Clerk Kwasniewski stated they are working on the study and have found that eighty five spaces are going to be lost, sixty seven will be in the other lot and three or four will be put aside for handicapped spaced. They are working on this now to count the rest of spaces.

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Deputy Mayor Etlar stated they designated Kipp Street, Cadmus Place, Bellair Avenue, 15<sup>th</sup> Street and 17<sup>th</sup> Street which will provide for over a hundred cars. Mayor Ganz stated it is necessary for them know the number of spaces. Manager/Municipal Clerk Kwasniewski stated it would take at least two weeks to get the information. Mayor Ganz stated they would schedule this item after the League conference. Councilmember McCarthy stated they realize parking is a problem and requested that Mrs. Liebman be advised of the next work session.

Arlene Rubinstein, 28 Rutgers Terrace, past president of the Board of Education, did not understand why another study needed to be done. They should temporarily ease the parking restrictions. Mayor Ganz advised her it cannot be done that way. He added two years ago the Council put a hundred spaces on the side of Sasso Field which are available. The construction at the high school has not begun.

Steve Rickett, 14-13 Berdan Avenue stated he understands the situation with the parking but the reason the subject came up last time was due to trash and damage to people's property. He invited anyone to come drive around those streets. Orchard Street has been clean since parking restriction went into effect and safer. He felt the School Administration did nothing to help the residents.

Jane Diepeveen, 14 Ryder Road stated she walked to the High School from the north side and her children walked and she knows it is not cool to walk to High School when your old enough to drive. Mayor Ganz stated he lived near the High School and when he got his license he drove to school. It is the rite of passage.

Anton Brett, 31 Parkview, President of the High School Student Government stated they passed a resolution to support the petition to lift the parking. The students have tried to help clean up the area. He asked the Council on behalf of the students to ease the parking restrictions.

Harvey Rubinstein, 28 Rutgers Terraces suggested car pooling, noting it would not kill the kids to have to walk. He added when the developer came to the Planning Board the developer was asked to pay for the planner. He asked if that rule had changed. Mayor Ganz stated the Borough wants to engage a planner on its own. The Planning Board will ask the developer to cover the costs. Mr. Rubinstein stated an article in the Bergen Record showed the sign in front of the Commerce Bank on Fair Lawn Avenue and he wanted to know if it was a legal sign and permanent. Mayor Ganz stated he was not familiar with the site plans and did not believe they could answer that.

Dominick Annichiarico, 36-01 Southern Drive thanked the Mayor and Council for responding to his email regarding the problem with rats. It has become such a problem some of the neighbors do not even go out anymore. When they widened Route 208 they put in a new storm drain and they have seen them coming out of the sewers. The Health Department says will set traps, but he did not believe that was enough. Manager/Municipal Clerk Kwasniewski explained she had emailed him three times. They have already talked to the D.O.T. and the inspector has been out to see him and his neighbors. Mr. Annichiarico stated the D.O.T. has done nothing to maintain this side of Route 208 this entire year. Manager/Municipal Clerk Kwasniewski explained again they contacted D.O.T. They put a request in for prisoner work force program to come and clean out the underbrush which has created a haven for the rodents. They have baited the area up from his house in four places.

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They baited the storm drains and the bait is still there, the rats are not eating near the storm drains. She added once the growth is cleared out they can pick up the garbage that is being dumped by people traveling on Route 208 and by some of the people who live there. She stated once they get that all done they will have the exterminator come back out. Mr. Annichiarico stated he left his phone number and if someone called him and he would have come home from work but no one contacted him they just went and talked to one of the neighbors. Manager/Municipal Clerk Kwasniewski stated the Health Inspector did not go into his yard because he was not home and they have a dog. Mr. Annichiarico stated when he spoke to her she stated they were not baiting the area. Manager/Municipal Clerk Kwasniewski stated

they are not baiting that area until the underbrush is taken care of. Mayor Ganz suggested putting this on the work session for next week and they could get back to them with a report of what is going to be done and how much the cost will be.

Carolyn Annichiarico, 36-01 Southern Drive complained about the lack of communication. She was told she would have to hire and pay for an exterminator. Mayor Ganz suggested she come to the work session.

Andrea Rickett, 14-13 Berdan Avenue stated she respects the students problem but they cannot control the students leaving the garbage. She added she sees the students dropping litter all over.

Joy Disco, 36-05 Southern Drive stated she did receive a letter from the Health Department advising them how to maintain the rodent control in their area. She added years ago they had access from their yards so they were able to maintain the area. Three years ago when they widened the highway they planted trees so they cannot get back their now. Mayor Ganz stated this is a problem and but it is the D.O.T. that controls that area. He asked Manager/Municipal Clerk Kwasniewski to send a letter to Commissioner of the D.O.T. and see if there is some way to help the residents gain access to the back. Deputy Mayor Weinstein suggested taking some photos of that area and send them with the letter. Mayor Ganz asked Manager/Municipal Clerk Kwasniewski to find the cost to exterminate the area.

Sal Feola, 12-23 Lexington Street stated being a neighbor of the High School the litter and smoking problem has not improved, Lexington is the most congested area. Lifting the parking restrictions would make it impossible to get any vehicle up and down the street if parking was allowed on both sides of the street. He encouraged the Council to conduct the study because lifting the ban on parking on these streets was not going to solve any problems.

Jeanine Hag, 125 Stoney River Drive, Lincoln Park, a teacher at the High School felt it was unfair they will have no where to park. She added the students have lost spaces because of the additional staff. She stated she has a petition on behalf of the teacher asking the Council to help with their needs as well. She stated there is a universal problem that needs to be solved. The Council should try to work with everyone to try to solve this problem. Mayor Ganz explained that she may disagree with the approach the Council is taking but it is a constructive approach to this problem. He stated once they know the number of spaces, they can go back and add more. Deputy Mayor Weinstein asked if the Board of Education or the High School have come up with another plan and if so they could present it at the work session. Mayor Ganz stated he spoke with the superintendent and believed they were waiting for the same data.

Howard Hyde, 13-07 Ellis Ave stated he is a member of the Lyncrest P.T.O. and one of the issue they are concerned about there is playground next to Morlot Avenue. He stated the cars go out of control on Morlot Avenue they could easily go over the sidewalk and into that playground. He added being that it is a County Road he felt they should ask about putting barriers up. Mayor Ganz explained the County Engineer feels it is unwise to put barriers on the road. He stated the County Engineer does encourage the Board of Education to put a barrier between their property and the road.

Lisa Metzler-Press, 15 Allen Place questioned the Open Space referendum. She is always for open space whenever she has the chance to vote on it, but does not see very much come of it

and is becoming cynical when she see these issues on the ballots. She wanted to know specifically what is planned for this money. She added if is going to preserve the open space they have what happens if it is voted down. Mayor Ganz stated any open space she may have voted on was not for Fair Lawn but for the County of Bergen. He explained the question on the ballot. He felt if open space was in place years ago it would have help saved the Naugle House, Cadmus House and others.

Richard Price, Planning Consultant to the Radburn Association who is the owner of Archery Plaza and Daly Field realized this issue is emotional and asked that they refrain from making a determination on any of these three properties at this time. He expected to bring this to the Council to rezone it. They anticipated they would hold public hearings so everyone would be given the opportunity to air their views on what is appropriate for that land. The Radburn Association fully endorses the Borough of Fair Lawn hiring a planner and of keeping both Archery and Daly Field as open space. They need to look at the impact of what will happen depending on how that property is zoned and used in the future. They just feel at this point there is no reason to make that decision tonight and direct the planner not to review all the possible options for all three properties.

Maureen Moriartiy, 14 Burnham Place thanked the Council for letting them express their concerns regarding open space. She felt the Planning Board and the Council has really allowed people to express themselves and appreciated that.

Louis DiGerimo, 16 Beekman Place stated he heard this evening a major change in direction by the Planner for Radburn. He stated the process of the planning for the proposed site should have more involvement by the community. He stated he would endorse this and bring this issue to the citizens with the hope that the town, community and the association is involved. He asked the Council to look at the property and what would be best for the property and the town involved.

Arlene Liebman, 40-02 Ackerman stated in response to Mrs. Rickett's comments about students walking back from lunch, she stated as long as they cannot fit all the students into the cafeteria they school must continue with the open lunch. She stated her second comment is that her first priority is the teachers and making parking as convenient for them. They are not asking for all the restrictions to be removed. They are asking for a compromise. She questioned how many blocks away from the school do they deem reasonable. Mayor Ganz stated there are professionals that know the answer to that who she could ask, what is a reasonable distance to walk, he does not know that answer. The State feels fifteen hundred feet is the distance that sufficient that student could run outside and get back to classes, but felt they should leave that to the Engineer. Mrs. Liebman stated a long time ago

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she believed they did a study. Mayor Ganz stated they did a survey when they did Sasso Field and Kipp Street. They really need to outline what gross number of spaces are within a certain area. Deputy Mayor Etlar stated from the farthest point that they measured the first time the walking distance to the back of the High School was four and half minutes. Mrs. Liebman reminded them they were not just talking about the students but about the staff. Mayor Ganz stated they are talking about people who live and work in Fair Lawn and they are all their concern.

Harvey Rubinstein, 28 Rutgers Terrace asked if they heard from the Radburn Planner that the Radburn Association is the owner of Archery Field and Heyward. Mr. Rubinstein suggested the commuter parking area at the recycling center is half empty. They could make arrangements with the mini bus or some other vehicles. Mayor Ganz stated he would email Mr. Watson his

suggestion this evening.

Ron Shanowitz, Esq. stated he represents Landmark who are the owners of the Heyward parcel and Archery Plaza. He stated they have studied the subject property and surrounding area and asked them not to prejudge this issue. Mayor Ganz explained the Council has not prejudged this issue. Mr. Shanowitz stated they want to come before the Council and the Boards and asked that the process go forward.

Michael Rooney, 14 Burnham Place commended the Council on their stand for keeping Daly Field as open space and asked if the Mayor was in support of keeping Archery Plaza as open space as well. Mayor Ganz stated that was correct.

Jane Diepeveen, 14 Ryder Road stated she just heard that the Council has not made up their minds on the Heyward parcel. Mayor Ganz advised her the Council is not predisposed because there is no application before them. Mrs. Diepeveen asked about an article in the Bergen Record that stated about this fact. She added if it is correct it contradicts what they just said. Borough Attorney Lustgarten stated he heard the various comments the Council has made at work session. He stated there is no application before the Council. He has heard members of the public ask them not to prejudge the issue and what he believed they were talking about is when a formal application is brought before the Planning and Zoning Boards that there be no position that is locked in stone. He added the general sentiment is to save Daly Field. The specifics of that cannot be discussed by the Council right now and the whole thrust in hiring a planner is to get all the information they possibly can before any decisions are made. Mrs. Diepeveen stated the same article stated the Council agreed to hire a polling person on the issue of development on the Radburn area. Mayor Ganz stated they should have the poll done in the next couple of weeks. The intention is to go to a thousand residents and when they have the results they will be published on the website and Channel 77.

Maureen Roney, 14 Burnham Place stated the Radburn Association has nine trustees and did not know if the Landmark Attorney knew that the people of Radburn were not polled about what they wanted to do. She believed what the planner was saying is that the Radburn Association does want to hear listen to the people to join in an effort that may work out for everyone. She added they have spoken to seven hundred and seventy adults in Radburn and seventy eight percent of them are against the development. She added ninety four percent on the south side are against it and seventy on the other side are against. She hoped the Radburn Association would start to listen to the people of Fair Lawn.

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

**ADJOURNMENT:**

Upon motion by Councilmember McCarthy and second by Deputy Mayor Etlar, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC

Assistant Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor David L. Ganz

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Councilmember Allan Caan

Deputy Mayor Martin Etler

\_\_\_\_\_  
Councilmember Owen McCarthy

Deputy Mayor Steven Weinstein