

## REGULAR MEETING OF JUNE 25, 2001

Mayor Ganz opened the meeting at 7:40 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" issue of December 27, 2000. 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 Adler and Etlar, Councilmembers Amato and Dobrow.

Also, present: Borough Manager Sacks, Borough Attorney Lustgarten, Municipal Clerk Kwasniewski and Assistant Municipal Clerk Bojanowski.

### MANAGER'S REPORT

No changes or additions were made to the report.

### ORDINANCES: FIRST READING

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

Ordinance No. 1867-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 232 ENTITLED "VEHICLES AND TRAFFIC" MORE SPECIFICALLY SUBSECTION 232.9 "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS"

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 198-2001 introducing Ordinance No. 1867-2001 was discussed.

Attorney Lustgarten explained that this ordinance is for parking restrictions on the north side of Rosalie Street between Banta Place and the dead end and on the east side of Sampson Road northerly of Stewart Place.

There being no further discussion, Resolution No. 198-2001 introducing Ordinance No. 1867-2001 was passed.

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

Ordinance No. 1868-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, MORE SPECIFICALLY CHAPTER 125 ENTITLED "LAND DEVELOPMENT", SECTION 125-38 ENTITLED "FENCES AND WALLS"

Upon motion by Deputy Mayor Adler and a second by Deputy Mayor Etlar, Resolution No. 199-2001 introducing Ordinance No. 1868-2001 was discussed.

Attorney Lustgarten stated this ordinance will increase the permissible height of fences and walls from five feet to six feet. Mayor Ganz stated this was originally in the Borough's ordinances as six feet but when it was recodified it was put in as five feet.

There being no further discussion, Resolution No. 199-2001 introducing Ordinance No. 1868-2001 was passed.

### ORDINANCES: SECOND READING

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

ORDINANCE No. 1861-2001

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, SPECIFICALLY CHAPTER 125, ET SEQ., ENTITLED "LAND DEVELOPMENT", MORE SPECIFICALLY, SECTION 125-24, ENTITLED, "B-1 RESTRICTED BUSINESS, B-2 GENERAL BUSINESS AND B-3 BUSINESS ZONES"

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 200-2001 adopting Ordinance No. 1861-2001 was discussed.

Borough Attorney Lustgarten stated this ordinance was a housekeeping item. Restaurants were inadvertently excluded from the recodification. Mayor Ganz said this was a technical correction to the Borough's recodification.

There being no further discussion, Resolution No. 200-2001 adopting Ordinance No. 1861-2001 was passed.

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

ORDINANCE No. 1862-2001

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY (THE "BOROUGH") APPROPRIATING \$1,470,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,400,000 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 201-2001 adopting Ordinance No. 1862-2001 was discussed.

Borough Attorney Lustgarten summarized what was included in this ordinance. Mayor Ganz asked if they included the ambulance. Borough Manager Sacks stated the ambulance will be in a separate ordinance because they have not decided how the ambulance will be paid for.

There being no further discussion, Resolution No. 201-2001 adopting Ordinance No. 1862-2001 was passed.

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

ORDINANCE No. 1863-2001

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF FAIR LAWN, IN THE COUNTY OF BERGEN, NEW JERSEY ("THE BOROUGH") APPROPRIATING \$133,665 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$127,300 OF BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

There being no comment from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Resolution No. 202-2001 adopting Ordinance No. 1863-2001 was discussed.

Mayor Ganz explained that this ordinance will be for pumps and other items for the water utility system.

There being no further comments, Resolution No. 202-2001 adopting Ordinance No. 1863-2001 was unanimously passed.

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

ORDINANCE No. 1864-2001

AN ORDINANCE PROVIDING FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF FAIR LAWN AND TO PROVIDE FOR THE RECEIPT, ACCEPTANCE AND DEPOSIT OF FUNDS THEREFORE

There being no comment from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 203-2001 adopting Ordinance No. 1864-2001 was discussed.

Borough Attorney Lustgarten summarized what this ordinance does and that there is no net cost to the Borough. Deputy Mayor Etlar stated that Community Development gave the Borough a grant for \$17,500. Mayor Ganz displayed a large check from the County of Bergen to the Borough.

There being no further discussion, Resolution No. 203-2001 adopting Ordinance No. 1864-2001 was unanimously passed.

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

ORDINANCE No. 1865-2001

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 125, ENTITLED, "LAND DEVELOPMENT", SPECIFICALLY, SECTION 125-80, CERTIFICATE OF OCCUPANCY AND CHAPTER 94 ENTITLED "FEES" ARTICLE VI ENTITLED "SCHEDULE OF FEES" SUBSECTION 94.12 ENTITLED "MISCELLANEOUS FEES"

There being no comment from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 204-2001 adopting Ordinance No. 1865-2001 was discussed.

Borough Attorney Lustgarten stated this was a housekeeping item from the recodification regarding the CCO.

There being no further discussion, Resolution No. 204-2001 adopting Ordinance No. 1865-2001 was unanimously passed.

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

ORDINANCE No. 1866-2001

AN ORDINANCE TO AMEND CHAPTER 232 OF THE CODE OF THE BOROUGH OF FAIR LAWN, 2000, ENTITLED "VEHICLES AND TRAFFIC" BY ADDING SECTION 232-11.1

There being no comment from the public, upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, it was unanimously agreed to close the time for public hearing.

Upon motion by Deputy Mayor Adler and a second by Councilmember Amato, Resolution No. 205-2001 adopting Ordinance No. 1866-2001 was discussed.

Borough Attorney Lustgarten stated this ordinance would permit parking during the day under certain circumstances at the discretion of the Chief of Police and the Borough Manager. Mayor Ganz stated that there are times the Chief of Police permits parking during the night due to certain circumstances. Borough Attorney Lustgarten said there was a sunset period to this ordinance to see the track record because they want to see if this will help the residents. Mayor Ganz stated this was another example of the Council being responsive to the resident's requests.

There being no further comment, Resolution No. 205-2001 adopting Ordinance No. 1866-2001 was unanimously passed.

RESOLUTIONS BY CONSENT #13-2001

Upon motion by Deputy Mayor Adler and a second by Councilmember Dobrow, Consent Agenda #13-2001 containing the following items was unanimously adopted.

a. Resol. #206-2001 Approval of Minutes:

Regular Meeting 5/8/01

Work Session 5/15/01

Closed Session 5/15/01

b. Resol. #207-2001 Authorizing Capital Alternatives to Submit DOT Grant Applications

c. Resol.#208-2001 DOT Grant Application Plaza Road Section V Rehabilitation

d. Resol. #209-2001 DOT Grant Application Radburn Pedestrian/School Safety Sidewalks

e. Resol. #210-2001 DOT Grant Application Arcadia/Berkshire Storm Drainage

f. Resol. #211-2001 Approval of Raffles & Bingo:

Knights of Pythias Off-premise 50/50

Warren Point PTA On-premise 50/50

Warren Point PTA On-premise mdse

g. Resol. #212-2001 Renewal of Liquor Licenses 2001 - 2002

h. Resol. #213-2001 Open Space Recreation Trust Fund Application (Radburn Pathways II)

i. Resol. #214-2001 Interlocal Agreement with Saddle Brook

j. Resol. #215-2001 Authorizing Participation in the Emergency Response Team

Mayor Ganz explained that they submitted the following items to the County Executive Pat Schuber: the Senior Citizen parking lot \$40,000.00 and the Senior Center \$40,000.00. He read a letter from Carol Knapp thanking the Council for the use of Memorial Pool.

#### MISCELLANEOUS PUBLIC COMMENTS

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

Dan Whalen, 7-17 Manor Avenue, stated he had questions for the Council regarding the expansion of the Municipal Building. He asked if there was a need's assessment or an architectural study done. He also asked when they discussed it in a public meeting. Manager Sacks stated studies had been done before her term. It was determined the cost was huge. The Council looked into portables but found that for a similar amount of money the addition could be pre-fab. As for the needs study, the Police Department still needs more space. The Building Department also needs space as inspectors are sharing desks. Also, as a municipal government the state does not allow the Borough to dispose of any records without their approval. The Borough has to find a safe and secure area to store the records. The Detective Bureau is also desk to desk and very cramped. Mr. Whalen asked if the new addition would include the Police Department. Manager Sacks said the Building Department would be on the second floor. Mr. Whalen asked what the percentage of office and storage space would be. Manager Sacks informed him the basement area will be 100% storage space. Mr. Whalen asked if the Borough had looked into renting space. Manager Sacks said it was not practical because the Building Department has to work with other departments. Mr. Whalen wondered what the life span is of the pre-fabs. Manager Sacks said that pre-fab is considered permanent. Mr. Whalen wondered at what meetings they discussed this subject. Mayor Ganz asked Municipal Clerk Kwasniewski to get a list of the meetings.

Mr. Whalen asked about Ordinance 1868-2001 when did it go to five feet. Mayor Ganz said when they recodified the code it went from six feet to five feet. Mr. Whalen wondered if anyone in Zoning approved it. Deputy Mayor Etlar stated it was a mistake in the printing.

Mr. Whalen asked about the parking meters. Mayor Ganz said the parking meters were in the Cooperative Parking Plan to free up spaces. He has been informed by the Traffic Officer that cars park on River Road from morning until night.

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

#### ADJOURNMENT

Upon motion by Deputy Mayor Adler and seconded by Councilmember Dobrow, it was unanimously agreed to adjourn at 8:17 p.m.

Respectfully submitted,

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

WORK SESSION OF JUNE 25, 2001

Mayor Ganz reconvened the meeting at 8:30 p.m.

PRESENT: Mayor Ganz, Deputy Mayor Adler, Councilmembers Amato, Dobrow and Etlar.

Also present: Manager Sacks, Municipal Clerk Kwasniewski and Attorney Lustgarten.

Presentation by Commerce Bank - Stuart D. Liebman, Wells, Jaworski, Liebman & Paton, 12 Route 17 North, Paramus, New Jersey was present for Commerce Bank. Commerce Bank would like to rezone some properties on River Road and Bergen Avenue. The properties are zoned B-1 and R-1-3. The properties are underdeveloped and could use upgrading and improvement. A bank is permitted in the B-1 zone. They believe that considering rezoning the properties is worthwhile instead of requesting a use variance. Peter G. Steck, a professional planner and James R. Napolitano, president of Commerce Bank were also present.

Mr. Steck submitted his report entitled Rezoning Evaluation Commerce Bank/North, River Road and Bergen Avenue. He summarized his findings contained in that report. The proposal is to subdivide the extra strip of Lot 17 and make it part of the property. Then they would combine what is left of lot 17 with Lot 20. Lots 2.01 and 2 are located in B-1 that permits banks. Banks need drive through windows so the applicant needs 1.3 acres to fit the bank, parking and a decent landscape area. R-1-3 does not permit banks so the applicant is asking that the zone line be shifted. He felt the proposal represents an opportunity for a very potent use and an opportunity to redevelop the site to encourage some streetscape improvements done in other areas. It is an opportunity to redevelop it with a use considered more docile than restaurant or other retail use. Commerce Bank is very concerned about their image and they would be a contributing member for the SID.

It makes sense to rezone the Board of Education property from R-1-1 to R-1-3 that would not change their status but it would eliminate the R-1-1. It does not have to occur but it just makes the zoning map cleaner.

Mr. Steck reviewed the procedures necessary to make the rezoning changes. He included sample ordinances in his report. He did not think it required an amendment to the master plan. He thought it could be expressed by resolution of the Mayor and Council.

Mr. Liebman noted that while the Council does the rezoning, the Planning Board will handle the details of the site development during the site plan approval process. The site will be developed in a manner consistent with the surroundings. Manager Sacks wanted to know about the investment and the SID taxes, but Attorney Lustgarten indicated those items were inappropriate for this discussion. The merits of the application are the only thing the Council should consider. If it is Mr. Steck explained that they would orient the building toward River Road with the traffic also oriented in that direction. Lot 20 has an occupied dwelling in good repair on it. Lot 17.9 has a shed. Lot 20 has a single family dwelling with a shed in back. He believes that essentially they are just expanding the B-1 zone in depth. He stressed that no one would build a bank without a drive through window. They would have a landscape buffer between the residential lots. He felt they could comply with the bulk requirements of B-1. Mr. Lieberman concurred indicating they do not contemplate needing any bulk variances although it is possible that they cannot fit a safe drive aisle without some encroachment into the buffer. The building will be 3700 square feet.

Mr. Liebman submitted five pictures showing the properties involved.

Without objection, Mayor Ganz entertained comments from the public.

Barbara Hatzel, 14-18 6th Street expressed concern that Commerce Bank is purchasing the property because of the number of banks already in the area. She was also concerned because Sixth Street is already inundated with traffic. She mentioned the conflict with the school buses. She suggested that left-hand turns not be permitted onto River Road, although people do not pay attention to signs.

Alan Caan, 19-62 Chandler Drive asked if they would be happy if only the one parcel they were purchasing was rezoned. Mr. Steck replied that if the B-1 zone is extended to cover the Commerce Bank it would be acceptable.

Mrs. Hatzel, 14-18 6th Street reiterated her concern about the tremendous amount of traffic that already exists from Tanis and the

possibility of the Scholastic Bus Company traffic being added. Mayor Ganz assured her that the Planning Board would require traffic studies.

Mayor Ganz suggested that the plan be forwarded to the Planning Board for their review. He thought the Planning Board could hold a concept hearing if they choose.

The consensus was to refer it to the Planning Board for their response.

Mr. Leibman asked that the Mayor and Council ask the Planning Board to consider it at their next available meeting. He will send them copies of the report. He stated that they would like to be before the Council again in 60 days.

Mayor Ganz thanked them for their presentation.

Summer Council Meeting Dates - The dates for the Council meetings are as follows: July 17 and 24 and August 14 and 21. Mayor Ganz will be away for August 14 and Attorney Lustgarten will be away for July 17 and August 14.

Reports - Deputy Mayor Etlar reported that they are pouring concrete at the DPW Complex. He added that sidewalks were poured at Memorial.

ADJOURNMENT - Upon motion of Deputy Mayor Adler and a second by Councilmember Amato the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

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