

SPECIAL MEETING OF NOVEMBER 29, 2001

Mayor Ganz opened the meeting at 7:30 p.m. Municipal Clerk Kwasniewski read the following statement of compliance:

In accordance with the Open Public Meetings Act, notice of this meeting of the Borough of Fair Lawn was published in "The Record" issue of November 21, 2001. 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 notice identified the meeting location and the time of the special meeting.

PRESENT: Mayor Ganz, Deputy Mayor Etlar and Councilmember Weinstein.

ABSENT: Councilmember Amato and Dobrow.

Also present: Municipal Clerk Kwasniewski and Borough Attorney Lustgarten.

Present from the Planning Board: Barry Winston, Chairman (late), Allan Caan, Phil Plotch, Thomas Metzler and Mark Sedaka.

Present from RRIC: Seymour Karas, Arthur Levine, Bob Landzettel, President, Noel Flanagan, Michael Varner and Don Smartt.

Mayor Ganz stated that a number of issues need to be discussed this evening.

Section VII - Acquisition of Borough Parking Spaces by Owner/Lessee

Mr. Landzettel stated that the cooperative parking agreement provides for the possibility of funds being available through the purchase of parking spaces. The ordinance does not indicate what will happen to those funds. RRIC asked that the income be set aside to be used for capital improvements within the SID. Attorney Lustgarten pointed out that this issue was discussed when the ordinance was adopted. At that point the consensus was that any revenue generated would go into general funds.

Mr. Karas pointed out that RRIC contributed 25% towards the cost of the George Street lot. He thought at some point consideration should be given to RRIC receiving some of those funds. Deputy Mayor Etlar noted that the Borough has invested a substantial amount of money which Mr. Karas did not deny. Mr. Karas simply asked that the Council consider appropriating some of those funds for RRIC although he conceded that it was premature at this point. Mayor Ganz stated that if there was substantial revenue coming in, the Council would take it into account and perhaps come up with an appropriate rate of apportionment. Councilmember-elect Caan noted that generally he did not disagree with Mr. Karas. Perhaps RRIC can be considered if there is substantial revenue generated on a year by year basis based on the Districts needs.

The Council's position is that the revenue will not be dedicated but the Council is receptive to giving consideration to allocating some or even all of the funds once revenue comes in.

Parking Space Designation - Ordinance 1873-2001 was adopted on October 23, 2001 and takes care of this request. Attorney Lustgarten explained what the ordinance accomplishes.

Section IX - It was agreed that overnight parking should be permitted in the George Street and Art Center parking lots by permit at no charge between 6:00 p.m. and 8:00 a.m. Attorney Lustgarten will draft the ordinance.

Chapter 125.25 - B4 River Road Business Zone

Section A - The current ordinance permits residences only on the third floor. Development of the third floor may not be feasible. RRIC has requested that residences be permitted on the second and third floors. The arguments for permitting this use included that it brings more people into the district for shopping and adds to the business community in general; the size of the properties does not currently support second floor offices and third floor residences and is not economically feasible; less parking is required and other communities have been successful using this concept.

Mr. Landzettel advised that Todd Malkin, a Fair Lawn resident, did his thesis on River Road and presented some of the pros and cons for this use. He will get a copy for the Mayor and Council.

Planning Board Chairman Winston arrived at 8:20 p.m.

The arguments against it included that it removes some of the incentive to develop business properties and the potential exists for the creation of an apartment type district.

This item was left open.

Section C (5) (b) - It was agreed to delete this section since the implementation of the voluntary cooperative parking agreement, this concept is no longer in effect.

Section C (5) (e) - It was agreed to delete this section.

Chapter 125-65 B - Conflicting language exists between section (2) (b) and (4) (b) concerning uses requiring site plan approval. After some discussion it was agreed that site plan approval should not be required if the use is permitted and sufficient parking exists. The consensus was to delete section 125-65 B (4) (b).

Chapter 125.25 Section C (6) - Minimum off-street parking - A lengthy discussion ensued concerning underground and elevated parking. Deputy Mayor Etlar expressed strong opposition to this type of parking. Chairman Winston noted that the Planning Board was not in favor of it although underground parking similar to ShopRite was more acceptable to the Board. He thought the feeling was that something could happen and the building would collapse. Mr. Metzler objected to ground level parking under the building because he did not think it went with the long term vision of River Road. He expressed concern that there would be parking on the ground level with residences on the second and third floors. He had no objection to below grade parking.

It was agreed to invite Scott Levy to the December 4 work session to discuss the parking issue and the mixed use issue.

Attorney Lustgarten will prepare a draft ordinance as quickly as he can for the Mayor and Council's consideration.

Mayor Ganz thanked everyone for attending.

ADJOURNMENT:

Upon motion by Deputy Mayor Etlar and seconded by Councilmember Weinstein the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

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