

## REGULAR MEETING DECEMBER 7, 2009

The meeting was called to order by Chairman Peter Kortright at 7:00 P.M.

The notice of the Open Public Meetings Law was read.

**Roll Call:** Present: Deputy Mayor Lisa Swain, Joseph Baladi, Scott Osback, Todd Malkin, Barry Winston, Phillip Cassidy, Larry Metzger, Chairman Peter Kortright, Baruch Gadot  
Absent: Joseph D'Arco

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel

### **Approval of Escrow Bills**

Upon motion by Todd Malkin and a second by Scott Osback, the escrow bills were unanimously approved. AYES: Deputy Mayor Lisa Swain, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Baruch Gadot, Todd Malkin, Chairman Kortright, Joseph Baladi.

### **Approval of Minutes**

Upon motion by Todd Malkin and a second by Deputy Mayor Lisa Swain, the minutes of the work session meeting of October 5, 2009, were unanimously approved. AYES: Deputy Mayor Lisa Swain, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Baruch Gadot, Todd Malkin, Chairman Kortright, Joseph Baladi

Upon motion by Todd Malkin and a second by Barry Winston, the minutes of the regular meeting of November 9, 2009, were unanimously approved. AYES: Deputy Mayor Lisa Swain, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Baruch Gadot, Todd Malkin, Chairman Kortright, Joseph Baladi

### **Harijar Medical Office Building, Block 4317, Lot 12, Block 5321, Lots 15 through 26, site plan**

Attorney Douglas Bern explained the memorializing resolution. Upon motion by Todd Malkin and second by Scott Osback, the memorializing resolution was unanimously adopted. AYES: Deputy Mayor Lisa Swain, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Baruch Gadot, Todd Malkin, Chairman Kortright

## **General Public Comments**

Chairman Peter Kortright opened the matter to the public.

Harvey Rubinstein, 7-38 Chandler Drive, asked about the recordation of Deeds. Mr. Bern explained that he understood the local ordinance had been approved some time ago. He also felt that the medical office building had some unique issues because of the pediatric nature of the facility, certain variance were granted. Mr. Rubinstein added that he is sorry Honey Morgenstern resigned from the Planning Board as she did a commendable job.

### **The Peace Korean Reformed Church, Block 1710, Lot 11, 39-23, Fair Lawn Avenue**

Larry Metzger recused himself from the application. Jared Lans, Esq., appeared on behalf of The Peace Korean Reformed Church. Douglas Bern indicated that the application can be re-opened as no rites are vested since a memorializing resolution was not adopted. In the interests of fairness, the Board will consider whether it wishes to continue the matter as there is new evidence. Mr. Lans stated that the additional evidence is two agreements for the use of parking off site with Temple Beth Shalom and Edison School. Deputy Mayor Swain moved that the matter be re-opened. Scott Osback seconded the motion which was unanimously approved. The parking agreement with the Board of Education was marked as Exhibit A-1. Pictures of the Edison lot were marked as A-2. The parking agreement with Temple Beth Shalom was marked as Exhibit A-3 and pictures of the Temple lot were marked as Exhibit A-4.

Chul Paek was sworn in and explained the parking agreements with the Board of Education and on behalf of the church. It is his understanding that the parking agreement is for the front section of the parking lot. The church can utilize up to 22 spaces on Sundays only from 8:30 a.m. to 2 p.m. Mr. Paek testified that the pictures were taken on Sunday around 9:00 a.m. There were no cars in the lot. Sunday morning there were open spaces. Mr. Paek explained the reciprocal agreement with Temple Beth Shalom. The church is allowed to utilize 24 spots. The temple may also use the church's parking lot. He explained the pictures of the Temple parking lot that he took on a Sunday. There were no cars in the lot.

He explained that they have a parking attendant to direct traffic for both services. He has equipment for directing the traffic and it is always the same person.

Baruch Gadot asked about the five year term of the agreement with the Board of Education. Douglas Bern explained that Boards of Education cannot enter into a longer agreement.

Chairman Kortright opened the matter to the public.

Diana Schreket, 40-02 Kuiken Terrace, stated that her fence is along the churches backyard. She would like to see the plans. The plans were provided for her to review. It was noted that there will be additional buffering.

Eugene Khekin, 38-59 D'Auria Drive stated his concern is the noise especially in the summer. He stated that the noise lasted sometimes until 10:30 in the evening.

As no other public wished to be heard, Chairman Kortright closed the time for public comment.

Mr. Lans stated that this is a permitted use. The application will improve the site. The plan calls for 40 spaces and will provide handicapped access. Two variances are required. One is a side yard setback which is pre-existing. The other issue is the off-street parking. Accommodations have been made. The applicant is adding one space and improving the site. He encouraged the Board to vote in favor of the application. Barry Winston moved to accept the application as offered noting that there will be no rentals to third parties, the church will need to return to the Board if the parking agreements are terminated and the engineer to increase the turning radius of the entrance and exit, if possible. Scott Osback seconded the motion. Todd Malkin commented that the applicant is enhancing the property. Chairman Kortright complimented the applicant on the additions to the application. The application was unanimously approved. AYES: Deputy Mayor Lisa Swain, Barry Winston, Phillip Cassidy, Larry Metzger, Scott Osback, Baruch Gadot, Todd Malkin, Chairman Kortright

Upon motion by Todd Malkin and a second by Barry Winston, the following resolution was adopted:

WHEREAS, the Planning Board of the Borough of Fair Lawn has determined that it is in its best interest to seek proposals for Engineering services to the Board, and

WHEREAS, to effectuate the Board's intention to seek proposals of engineering firms, the Board wishes to adopt the Fair and Open Procedure for accepting and retaining engineering firms for those proposed said proposals;

NOW, THEREFORE, BE IT RESOLVED that the Fair Lawn Planning Board hereby adopts the Fair and Open Procedure for hiring and retaining the Board Engineer; and

BE IT FURTHER RESOLVED that the Board Secretary and Land Use Administrator is hereby authorized to advertise and solicit Requests for Qualifications for the services of Planning Board Engineer. AYES: Deputy Mayor Lisa Swain, Todd Malkin, Larry Metzger, Baruch Gadot, Chairman Kortright, NAYS: Joseph Baladi, Phil Cassidy, ABSTAIN: Scott Osback

## **ADJOURNMENT**

Upon motion by Todd Malkin and a second by Baruch Gadot, the meeting was unanimously adjourned as 8:45 P.M.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc