

## **WORK SESSION OF MARCH 12, 2007**

Chairman Barry Winston called the meeting to order at 7:00 p.m. in Room 215 of the Municipal Building.

Notice of the Open Public Meeting Law was read stating that the newspapers were notified and notice posted on the first floor bulletin board of the Municipal Building.

### **ROLL CALL:**

Present: Deputy Mayor Marty Etler, Joseph D'Arco, Peter Kortright III, Michael Cohen, Alan Neggia, Larry Metzger, Phil Cassidy, Harvey Rubinstein, Chairman Barry Winston Absent: Honey Morgenstern, Todd Malkin Also present: Board Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

### **Ordinance Number 2073-2007**

Board Attorney Douglas Bern explained the statutory process of referring all land use ordinances to the Planning Board. This ordinance permits the placement of COWS (cellular antenna on wheels) at municipal sites. Board Engineer John Rottenbucher commented that structural calculations should be submitted. It was the unanimous consensus to recommend adoption of this ordinance.

### **The Michael Cohen Plaza Conceptual**

Chairman Barry Winston commented that he does not believe they can waive site plan approval when an expansion of this size is contemplated.

Mr. Levine asked that the Board not make any preliminary decisions.

Joel Ives explained the site. He stated that during the course of construction, it was decided it was too small for their intended use and they are expanding the building by 1,600 square feet but the uniqueness of this project is that there is more than sufficient parking. The expansion does not have public impact because it is in the rear. The design complies with the setbacks. Mr. Ives further explained that the new parking lot is smaller and the grass area was expanded. The parking lot had extended almost to Route 208 and it is now about 20 feet

away. Mr. Ives added that there is no landscaping yet and it will have a totally different appearance. Board Engineer John Rottenbucher explained that the height of the structure is being increased 12 feet. They do meet the various setback requirements. Peter Kortright III, commented that although this might be a good expansion, the Planning Board needs to look at the details due to the fact that the building is being doubled in size. A full site plan application is needed. Harvey Rubinstein agreed with Peter Kortright III, and stated since the applicant is doubling the size of the building, a fire hydrant might be needed. The outside portion needs a few trees.

Board Attorney Douglas Bern stated that with this type of construction, it can not be considered diminimus. There is nothing on the record supporting this as diminimus. He stated he does not see any support for a waiver of the site plan or why this applicant should not comply with the ordinances of the Borough of Fair Lawn.

Ms. Cohen stated she is just adding a room. She did comply with the Board's recommendations and did give up a lot of space. Peter Kortright III, replied that the applicant is expanding in terms of children and size. The applicant needs to seek an amended approval. If there are certain elements that are the same, ask for exceptions from those specific requirements. Public notice is required.

Joseph D'Arco commented that if the Board were aware that she was doubling the size at the original hearing, they may have changed the requirements. The Board has to go by the Municipal Land Use laws.

Chairman Barry Winston commented that the applicant has heard the Board members comments. It might be an excellent application, but the applicant needs to submit the formal application.

Ms. Cathryn Hochkeppel announced the Bergen County Bar Land Use Symposium will be April 21, 2007. Certification is available for those members requiring it. There is a small cost so members need to advise if they plan on attending.

Board Engineer John Rottenbucher introduced Engineer Bob Yank who will be filling in for him in the future.

Upon motion by Peter Kortright III, and a second by Harvey Rubinstein, the meeting was unanimously adjourned at 8:45 p.m.

Respectfully Submitted,

Cathryn Hochkeppel  
Land Use Administrator/  
Secretary to the Planning Board

CLH:blcl