

WORK SESSION OF JULY 10, 2006

The work session of the Fair Lawn Planning Board of Monday, July 10, 2006, was called to order at 7:00 p.m. by Chairman Winston in Room 201 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:

Chairman Barry Winston; Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Al Palmieri, Harvey Rubinstein, Honey Morgenstern. Deputy Mayor McCarthy, Absent: Michael Cohen, Todd Malkin, Alan Neggia

Also present: Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

Fair Lawn Community Church

Chairman Winston noted that site plan approval was granted in 2003. Site plan approvals are effective for two years. The Church is asking for an extension. Douglas Bern's recommendation was that the Board should request their presence to explain the reasons on the record why there is a delay. There is a statutory time frame.

FAR & Building Height Ordinance

Deputy Mayor McCarthy explained that this matter is on the Council's agenda for tomorrow night's meeting. Chairman Winston commented that it is possible not to exceed the height ordinance by digging a large foundation with a full floor below grade. It was also mentioned that it is difficult to build a modern home with eight foot high ceilings without going higher than 30 feet. Peter Kortright stated that there should be a more definitive standard. Peter Kortright also stated that controlling the size rather than the height is important. It was also suggested that a tree ordinance be connected with any type of development restriction.

Ramapo River Reserve vs. Borough of Oakland

Douglas Bern explained that this is a case that arose from the Municipal Services Act. Beginning in the 1990s, the courts ruled that owners of condominium units should not have to pay twice for municipal services. A law came about that provided for the reimbursement or take over of the services by municipality. In this particular case, the general proposition is that a developer's agreement stated that the developer would pay for the services. Once a certain percentage

of owners take over from the developer, the burden would shift to the municipality. There is an obligation for internal roadways and trash pick up, etc. If the roadway doesn't meet the standards, there would be diminished responsibility to the municipality.

Adjournment

Upon motion by Harvey Rubinstein and a second by Honey Morgenstern, the meeting was unanimously adjourned at 7:35 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary to the Board