

## **WORK SESSION OF AUGUST 14, 2006**

The work session of the Fair Lawn Planning Board of Monday, August 14, 2006, was called to order at 7:00 p.m. by Chairman Winston in the Council Chambers 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, Mayor Marty Elter, Todd Malkin, Alan Neggia, Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Harvey Rubinstein, Michael Cohen, Absent: Al Palmieri, Honey Morgenstern

### **ROTELLA; 14-08 River Road; Block 5721, Lots 13 and 14; conceptual**

Mr. Rotella presented his plan conceptually and explained the traffic flow. There would be an easement for entrance through his other property. Peter Kortright commented that Mr. Rotella should employ a good engineer so that he resolves issues such as drainage patterns, storm water, environmental issues, etc. Exact dimensions of the building, parking spaces, traffic aisles will be needed. Mr. Rotella stated he was trying to avoid a large expense and wasted time. Chairman Winston stated that Mr. Kortright was explaining the requirements. Broadly speaking, the Board will try and work with you to support the idea of the commercial use below the two apartments with limited parking but this is not the type of development that can be resolved in a work session. Variances are required. A full hearing is necessary. It was suggested that Mr. Rotella retain a land use attorney.

### **F.A.R. AND BUILDING HEIGHT ORDINANCES**

Peter Kortright stated that there has been a great deal of discussion about the need for a F.A.R. but no number has been settled upon. He added that 35% appears to be the average. The Board members discussed various solutions and ordinances from other towns. Harvey Rubinstein commented that the Teaneck ordinance deals with the height issues and elevation. It was decided that a subcommittee would be formed. Todd Malkin, Phil Cassidy and Mayor Elter volunteered to be members of the subcommittee. The subcommittee will report back to the Board next month with their findings and recommendations.

## **MASTER PLAN**

Chairman Winston stated that the Board has been asked by the Council if it recommends redoing the master plan at this time. Cathy Hochkeppel explained that the Master Plan is not required by law to be reexamined until 2010. Peter Kortright stated that it is a very expensive process particularly to create a new Master Plan rather than a reexamination. He stated that he is not in favor of incurring that expense at this time. Chairman Winston commented that some members of the public are under the impression that if the Master Plan was redone, there would not be rezoning issues or the McMansion issues. Cheryl Bergailo pointed out that the Clariant site is already identified in the Master Plan as a site for multi-family and rezoning is a totally separate issue. It was also noted that a Master Plan only gives ranges and would not solve the McMansion issue as that can only be accomplished with specific ordinance changes. Joseph D'Arco commented that the taxpayers have enough burdens without this Board incurring an unnecessary large expense. Chairman Winston added that this Board can amend the Master Plan at any time if it feels it is appropriate. Harvey Rubinstein stated that he believes a new Master Plan was needed. Other Board members disagreed. It was the consensus of the Board members that a new master plan was not needed at this time with Mr. Rubinstein dissenting. Cheryl Bergailo commented that although the Master Plan already identifies the Clariant site for multifamily, the Board might consider a minor amendment to the plan consistent with the Cycle III COAH. It was decided to proceed with the amendment.

Upon motion by Todd Malkin and a second by Mayor Etler, the following resolution was unanimously adopted.

**WHEREAS**, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Planning Board; and

**WHEREAS**, the Planning Board of the Borough of Fair Lawn desires to discuss potential litigation; and

**WHEREAS**, this matter permits the exclusion of the public from such discussion; and

**WHEREAS**, public disclosure of the results of this discussion will be made upon conclusion of the matter or within thirty days of a judicial determination whichever occurs first.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Fair Lawn that the public be excluded since this matter is one which permits the exclusion of the public from such discussion.

The work session was reconvened at 7:45 p.m. with all members present as previously indicated.

Upon motion by Harvey Rubinstein and a second by Todd Malkin, the meeting was unanimously adjourned at 7:45 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Sec'y of the Board