

REGULAR MEETING OF SEPTEMBER 11, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, September 11, 2006, was called to order at 8:30 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, Peter Kortright, III, Phillip Cassidy, Al Palmieri, Todd Malkin, Alan Neggia, Harvey Rubinstein, Michael Cohen, Joseph D'Arco, Honey Morgenstern

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

Chairman Winston asked for a moment of silence in remembrance of the 9-11 victims.

Chairman Winston read a letter from Reverend Claude Hubbard praising Cathy Hochkeppel for her assistance and asked that his letter be made part of the record. (See attached)

General Public Comment

Greg Miller, 5 Ramapo Terrace, asked about the Board's October meeting since it is listed as October 16th on the Clerk's calendar which is the same night as the Zoning Board's meeting. Ms. Hochkeppel explained that the planning board meeting is scheduled for October 23rd and that must have been an error.

Jane Diepeveen, 14 Ryder Road, stated that an archeological review of the Clariant site would not cost the Borough anything as there are universities that will do a preliminary dig. Chairman Winston questioned what this Board's role would be in that type of endeavor as it would be difficult to attach it as a condition of approval without unduly delaying a project. He added that he doesn't believe the Board would have any objection to a dig if it could be worked out. Ms. Diepeveen also explained that in order to have a fish weir on the national register, it has to be proven that there were Indians in the area and was an Indian site rather than a Dutch settlement. That is why the historical committee would like an archeological dig in the area. Harvey Rubinstein suggested that Ms. Diepeveen make the request for a dig to the Council.

In response to Ms. Diepeveen's question, Chairman Winston explained that there is no application before the Board at this time for the Clariant site. Ms. Diepeveen expressed concern about limiting the height of residential buildings to thirty feet without any averaging as there will be many problems if the house is on a steep slope.

Felice Koplik, 6 Reading Terrace, suggested that the land use element of the Master Plan be reviewed.

As no other public wished to be heard, the time for public comments was closed.

Rose Bertani; 7-09 Fair Lawn Avenue; Block 5718, Lot 28; food handler

Ms. Rose Bertani, 34 Ferry Lane, Toms River, New Jersey, was sworn in and testified that she intends to open a store that has prepackaged specialized food. The food is gluten free. Ms. Bertani testified that the information in her application is true. She explained that although they will have a slop sink, she is not preparing any food.

No public wished to be heard.

Todd Malkin moved that the application be approved as presented. It was seconded by Phil Cassidy and was unanimously approved. AYES: D'Arco, Cassidy, Neggia, Kortright, Palmieri, Rubinstein, Cohen, Malkin, Winston

Young Israel of Fair Lawn; 11-05 Saddle River Road; Block 1502, Lots 1.01 & 1.02; site plan

Honey Morgenstern recused herself from the application.

Gail Price of Price, Meesse, Shulman, & D'Arminio appeared on behalf of the applicant. She stated that the property is located at 11-05 Saddle River Road, and the applicant is basically seeking to use the facility as a nursery school. She stated that she has reviewed Boswell Engineering's letters of August 31st and September 8th and the architect will address any supplemental issues in response to the reports. Ms. Price explained that there are two resolutions regarding this property dated May 24, 1999 and January 24, 2000. There was testimony that a nursery school would not be run at this location and this has since changed. She explained that the applicant has been in touch with the Department of Human Services with regard to the state's approval of the school. Ms. Price added that this request is to allow a permitted accessory use for a child care center at times that do not conflict with the operation of the building as a synagogue. Both uses will not be operating at the same time.

Joseph Smith, 431 Union Street, was sworn in, qualified as an expert witness and explained that he is also President of Young Israel of Fair Lawn. He

explained that it is a 99 seat facility. Mr. Smith stated that there are many families from the congregation in attendance this evening but in the interests of time, he will not ask that they all speak in favor of the application. Mr. Smith explained that the congregation services the orthodox community. They have specific needs including how food is handled in the nursery school. He explained the lay-out of the building and that the school would take place in the lower level. At the current time, the congregation functions three times a week on Friday, Saturday and Sunday. Mr. Smith testified that the parking lot is more than adequate. If there is a large event, they might fill the lot but that is not usual. The proposed nursery school is not a huge operation. He stated that the former president that stipulated that the congregation would not need a nursery school was shortsighted. It is his goal to expand the role of the synagogue. There is a great need in the orthodox community as some parents are sending their children to Teaneck. Mr. Smith added that this is a permitted use in the zone and is a permitted use in the facility. The congregation will abide by all rules and regulations for operating the Center. They are not proposing any changes to the building. A colored rendering of the survey of the property was marked as Exhibit A-1. He explained the traffic flow and the proposed drop off area in the left hand side of the parking lot. Mr. Smith added that there is a crosswalk on the plan that would be supervised by an employee. They will require the employee to park at the rear of the site. There is an outdoor play area. They intend on installing a temporary barrier that is removable to create a safe area to play in when the school is in session. He explained that the congregation has engaged a licensed caregiver. They have had a pre-inspection by the State Department and in their initial examination, the facility was found to be acceptable and they were given conditional approval.

Chairman Winston noted that if the synagogue was being rented out for the nursery school rather than the revenue going to the congregation for its own purposes, it would have property tax implications. Mr. Smith represented that it was the synagogue running the nursery school. In response to Chairman Winston's question, Mr. Smith stated he doesn't see any expansion of this building without obtaining additional property. He also testified that currently they do not hold daily services but if they do in the future, it will be at 5:30 or 6 a.m. The general operation of the school is 9 a.m. to 3 p.m. Mr. Smith explained that in preparation for this application, they visited their neighbors who would be most effected.

Mr. Smith explained that there is a requirement that precludes a child care center within 750 feet. He stated that there is a Montessori school within approximately 620 feet. Mr. Smith testified that in his professional opinion both facilities have sufficient off-street parking and due to the space between the facilities, there is no negative effect of one on the other. He added that the Department of Human Services indicates that 44 children would be the maximum number permitted. John Rottenbacher asked about the facilities for the children's playground. Mr. Smith explained that a four foot high fence is required and they are looking at

types that has its own sleeves and is removable. The toys can be stored in the building. The primary hours of operation are 9 am to 3:00 p.m. Alan Neggia asked about the material on top of the macadam for the playground and Mr. Smith stated that they would comply with the State's requirements. Harvey Rubinstein suggested that space 23 be cordoned off during school hours and Mr. Smith stated that would not be a problem.

Chairman Winston opened the matter to the public.

Gerald Platt, agent for Plymouth Park Shopping Center, asked if a traffic study had been done and was told no. He stated that there is a problem going south on Saddle River Road. There is a hill and he is concerned that young mother's will not be able to see the oncoming traffic. Mr. Platt suggested a cautionary sign. Mr. Platt also stated that sometimes members of the congregation park in his lot. Mr. Smith replied that he will remind the members and try to resolve the problem. Mr. Platt expressed concern that the playground would take up several parking spaces, and Mr. Smith explained that they will remove the fencing on holidays or when they have a special event. Chairman Winston suggested that the congregation consider speaking with other institutions in the area about shared parking. The Board recommended that a cautionary sign regarding the left hand turn be installed.

Rabbi Neuborth, 7-09 2nd Street, Fair Lawn, was sworn in and explained that he will be running the nursery school. He stated that it is primarily an educational facility and 9 am to 3:15 p.m. are the main hours. Children can be dropped off at 7 am and picked up at 6 p.m. The children will be ages 2½ to 6. He anticipates an enrollment of approximately 25, with the peak being 30. He expects to have seven staff members. He explained that there is no cooking facility and the parents will send in lunches for their children. He explained that he is the administrator and his wife is the educator.

Jeanne Shuback, 11-01 Saddle River Road, asked about the outside playground area. Mr. Smith explained that the state has certain requirements and the applicant will comply. She asked about how the temporary fencing works. Mr. Smith explained that the fence would be sleeved into the ground so that the posts can be lifted out and put away. She also expressed concerns about left-hand turns. Dr. Cohen asked if she has a problem when she turns left and Ms. Shuback replied that she only turns right no matter where she is headed.

No other public wished to be heard and Chairman Winston closed the time for public comment.

Todd Malkin moved that the application for amended site plan be approved for use as a nursery school in the lower level subject to the applicant providing the drop off area as outlined by Mr. Smith and blocking off space 23, creating a crosswalk that will be attended by an employee, that a cautionary sign be

installed and that the fence around the playground be dismantled during holidays and special occasions to make the parking spots available. Peter Kortright seconded the motion which was unanimously approved. AYES: D'Arco, Cassidy, Neggia, Kortright, Palmieri, Rubinstein, Cohen, Malkin, Winston

Escrow bills

Upon motion by Joseph D'Arco and a second by Todd Malkin, the escrow bills were unanimously adopted. AYES: D'Arco, Malkin, Neggia, Kortright, Palmieri, Rubinstein, Cohen, Cassidy, Winston

Approval of minutes

Upon motion by Todd Malkin and a second by Peter Kortright, the minutes of the August 14, 2006 meeting were unanimously approved. AYES: D'Arco, Malkin, Neggia, Kortright, Palmieri, Rubinstein, Cohen, Cassidy, Winston

Memorializing resolutions

Rio Vista Estates; 41-41 Dunkerhook Road; Block 1702, Lots 4 and 10; major site plan

Attorney Doug Bern explained the memorializing resolution denying the application. Upon motion by Peter Kortright and a second by Todd Malkin, the resolution was unanimously adopted. AYES: Neggia, D'Arco, Kortright, Malkin, Rubinstein, Cassidy, Winston

Basse Fruits and Nuts; 34-02 Broadway; Block 2215, Lot 24; food handler

Attorney Doug Bern explained the memorializing resolution approving the application. Upon motion by Todd Malkin and a second by Alan Neggia, the resolution was unanimously adopted. AYES: Malkin, Neggia, Kortright, D'Arco, Cassidy, Rubinstein, Cohen, Winston

Adjournment

Upon motion by Dr. Michael Cohen and a second by Todd Malkin, the meeting was unanimously adjourned at 10:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel

From: Rev. Claude Hubbard
Fair Lawn Community Church
10-10 Maxwell Place
Fair Lawn, NJ 07410

August 29, 2006

To: Mayor Martin Etler
Borough of Fair Lawn
8-01 Fair Lawn Avenue
Fair Lawn, NJ 07410

Subject: Letter of Appreciation for Cathy Hochkeppel

Dear Mayor Etler,

It is my pleasure to send you this letter of appreciation for Mrs. Cathy Hochkeppel, who is on the Planning Board of the Borough of Fair Lawn.

For the several years our church has been working toward our goal of adding an education wing to our current building. Cathy served as our point of contact when the need arose to request an extension of our resolution to build. She proved to be extremely knowledgeable and very proficient. While her knowledge and expertise are vital, what was most appreciated was her desire to help. She made what could have been a very difficult process understandable. Her instructions and guidance were plain and helpful, and she willingly walked us through the process of applying for an extension and presenting our case before the Planning Board.

The difference between a bureaucracy and a government devoted to public service is night and day. Bureaucracies have their own agendas, think applicants are an inconvenience, and often make an applicant's life more difficult. Public servants make life more pleasant and think that applicants are there to be helped. The difference is desire, and desire cannot be taught or faked. Cathy has this desire, as does the Planning Board and Borough Hall.

I am requesting that Cathy receive a copy of this letter and with it our gratitude. I would also request that this letter become a part of her permanent personnel file and that, if possible, it should be read publicly at the next formal meeting of the Planning Board and included as part of the record of that meeting.

Sincerely,



Rev. Claude Hubbard
Pastor, Fair Lawn Community Church

Cc: Planning Board, Borough of Fair Lawn