

WORK SESSION OF OCTOBER 23, 2006

The work session of the Fair Lawn Planning Board of Monday, October 23, 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; Mayor Marty Etler, Todd Malkin, Alan Neggia; Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Harvey Rubinstein. Absent: Albert Palmieri, Michael Cohen, Honey Morgenstern. Also present: Engineer John Rottenbacher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel.

Ordinance Number: 2064-2006

There was some discussion about whether the form was meant to include all political contributions or just local contributions. Mayor Etler commented that he believed it included local and county contributions. Ms. Hochkeppel was asked to get clarification from the Borough Attorney.

Ordinance Number: 2065-2006

Ms. Hochkeppel explained that the genesis of this ordinance had to do with an application before the Zoning Board. Apparently, clarification was needed relative to permitted uses in the Broadway corridor. It was suggested that a summary of the ordinance be obtained from the Borough Attorney since the Board is not privy to the discussions regarding the ordinance.

FAR AND HEIGHT ORDINANCES

Todd Malkin passed out a chart and a visual of what the committee is proposing. One of the things that needed to be decided was whether the Board wanted to make a recommendation relative to net area or gross area. Peter Kortright stated that it was his suggestion that the calculation be on the gross area to make it as easy as possible for the applicant. Phil Cassidy concurred.

Todd Malkin explained the FAR calculations based on the various zones and the resulting house sizes. There was some discussion whether or not garages should be included in the gross area calculation. It was decided that they not be included, although there were differences of opinion among the Board members.

The height recommendation is for 30 feet to the actual ridgeline height of the building based upon existing grade, not proposed grade.

Miscellaneous

Ms. Hochkeppel stated that a request had been made for the Board members email addresses and personal and business phone numbers. Ms. Hochkeppel indicated that she does not currently maintain that information, but would be happy to do so if the Board so desired (noting that it would become a public record).

Todd Malkin stated that he had received correspondence at his home that was inappropriate. Chairman Winston reminded the Board members that it was unethical to discuss an application with the public before the matter had been heard. Douglas Bern commented that Board members cannot meet with members of the public regarding a pending application, although the public is often unaware of the procedures. Letters sent to Board members cannot be considered at the time of the application unless the author is present, puts the letter on the record and is available to be questioned by the applicant. It was the unanimous consensus of the Board members that a list of personal information not be maintained by the Board Secretary.

Douglas Bern explained that the Judge ruled and granted Landmark partial summary judgment voiding the overlay ordinance for vagueness.

Adjournment

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

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Board