

SPECIAL MEETING OF JANUARY 14, 2008

The special meeting of January 14, 2008, was called to order by Chairman Peter Kortright III, at 7:00 p.m. The notice of the Open Public Meetings Law was read.

ROLL CALL

Present: Chairman Peter Kortright III, Vice-Chairman Todd Malkin, Barry Winston, Philip Cassidy, Alan Neggia, Larry Metzger, Honey Morgenstern, Joseph Baladi, Michael Cohen (late) Absent: Deputy Mayor Lisa Swain and Joseph D'Arco

Also present: Board Attorney Douglas Bern and Board Secretary Cathy Hochkeppel

Board Attorney Douglas Bern explained that the special meeting was called to discuss litigation. (41-41 Dunkerhook Properties., LLC v. Fair Lawn)

Upon motion by Honey Morgenstern and a second by Vice-Chairman Todd Malkin, the following closed session resolution was unanimously adopted.

WHEREAS, the Open Public Meeting 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 pending litigation specifically 41-41 Dunkerhook Properties, LLC v. Borough of Fair Lawn, et al, 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 meeting reconvened at 7:45 p.m. with all members present as previously indicated.

Barry Winston moved that the Chairman be authorized to sign the settlement agreement subject to Ms. Cathy Hochkeppel sending a memorandum expressing the Board's concerns. In addition to paying past due escrow fees, the applicant will pay customary filing fees and post new escrow fees. The Board wants to forward to the attention of the Borough Attorney and council its concerns regarding the costs of proper preservation of the property and suggests a reinspection perhaps by Art Cumming particularly since the architect report is more than two years old. It was noted that the agreement refers to UCC standards rather than historic preservation standards. Michael Cohen seconded the motion that was unanimously adopted. AYES: Vice-Chairman Todd Malkin, Barry Winston, Philip Cassidy, Alan Neggia, Larry Metzger, Michael Cohen, Honey Morgenstern, Joseph Baladi, Chairman Peter Kortright III

Chairman Peter Kortright III, stated that the Board would be considering appointing a C.O.A.H. subcommittee next month to deal with the long term affordable housing obligation. Chairman Peter Kortright III, added that this is a master plan issue and should involve the Board Attorney and the Board Secretary who is also the Municipal Housing Liaison. The matter will be further discussed next month.

Upon motion by Philip Cassidy and a second by Vice-Chairman Todd Malkin the meeting was unanimously adjourned at 8:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary to the Planning Board

CH:blcl