

## **REORGANIZATION MEETING OF JANUARY 12, 2009**

The re-organization meeting of the Fair Lawn Planning Board on Monday, January 12, 2009, was called to order at 7:00 p.m. by Board Secretary Cathy Hochkeppel in Room 201 of the Fair Lawn Municipal Building.

The notice of the Open Public Meetings Law was read stating that the newspapers were notified and a notice posted on the first floor bulletin board of the Fair Lawn Municipal Building.

### **Roll Call**

Present: Deputy Mayor Lisa Swain, Peter Kortright, III, Barry Winston, Todd Malkin, Honey Morgenstern, Larry Metzger, Phillip Cassidy, Joseph Baladi, Baruch Gadot, Scott Osback  
Absent: Joseph D'Arco.

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, Cathy Hochkeppel.

### **Swearing in of New/Reappointed Members**

Baruch Gadot, Scott Osback, Todd Malkin and Honey Morgenstern were sworn in by Board Attorney Douglas Bern.

### **Chairman**

Cathy Hochkeppel opened the time for nominations for Chairman. Todd Malkin nominated Peter Kortright, III. Barry Winston seconded the motion. There were no other nominations and the time for nominations was closed. Chairman Peter Kortright, III, was elected unanimously. AYES: Chairman Peter Kortright, III, Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Larry Metzger, Phillip Cassidy, Scott Osback, Baruch Gadot.

Chairman Peter Kortright, III, assumed the chair.

### **Vice-Chairman**

Chairman Peter Kortright, III, opened the time for nominations for Vice-Chairman. Barry Winston nominated Todd Malkin as Vice-Chairman and Phillip Cassidy seconded the motion. There being no other nominations, the time for additional nominations were closed. Todd Malkin was unanimously elected Vice Chairman. AYES: Chairman Peter

Kortright, III, Vice Chairman Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Larry Metzger, Phillip Cassidy, Scott Osback, Baruch Gadot.

### **Appointment of Secretary**

Upon motion by Vice-Chairman Todd Malkin and a second by Deputy Mayor Lisa Swain the appointment of Cathryn Hochkeppel as Secretary was unanimously confirmed. AYES: Chairman Peter Kortright, III, Vice-Chairman Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Larry Metzger, Phillip Cassidy, Baruch Gadot, Scott Osback.

### **Appointment of Attorney, Engineer and Planner, Pursuant to N.J.S.A. 19:44 A-20.8**

Upon motion by Barry Winston and a second by Todd Malkin, Douglas Bern, Esq., of Kaufman, Bern & Deutsch was unanimously appointed as Planning Board Attorney. Boswell Engineering was appointed as Board Engineer and Cheryl Bergailo was appointed as Board Planner. AYES: Chairman Peter Kortright, III, Vice-Chairman Todd Malkin, Barry Winston, Deputy Mayor Lisa Swain, Larry Metzger, Phillip Cassidy, Baruch Gadot, Scott Osback.

### **Statutory review of Ordinance No. 2136-2009 – Clothing Bins**

Deputy Mayor Lisa Swain explained the ordinance and the changes in the law. The owner of the bin must get a permit. If the owner is in violation, the fine is now up to \$20,000.00. Chairman Peter Kortright thought that it was too onerous to require site plan approval for the bins. He felt the placement should be in the discretion of the Zoning Officer. The Board Members agreed. It was the unanimous consensus to recommend to Council that the requirement of minor site plan approval for clothing bins be deleted. It was noted that the ordinance currently includes a reference that,

“The Zoning Officer shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells fuel or other flammable liquids or gases.”

### **10-16 River Road, Block 5506, Lot 10, food handler; conceptual**

Ms. Hochkeppel explained that she referred this food handler to the Board due to its proximity to residences and the fact that there was no history of food at this site. Bennett Wasserman, Esq., appeared on behalf of his client and explained that his client intends to operate a Krauser's from 6:00 A.M. in the morning to 10:00 P.M. There will be no more than 3 employees. The deliveries are from small vans. There is sufficient parking. Currently, there are no other tenants. Mr. Ganesh is involved in this type of business with other towns. They will be good neighbors. The food is all prepackaged or coffee. He reiterated that the hours of operation will be 6:00 A.M. to 10:00 P.M. Mr. Ganesh explained that the sign is backlit and will go off on a timer when he closes. It was the unanimous consensus of the Board that the application was diminimus and the Board Secretary could handle the matter administratively.

### **Other Business**

Phillip Cassidy indicated that the Environmental Commission would like to receive copies of concept applications. Attorney Douglas Bern explained that it would be a duplication of efforts and the Board could not consider comments until an application was filed. Chairman Kortright felt this was over reaching although the liaison can explain any application that comes before it.

Todd Malkin stated that the Board should be clear on which applications should be forwarded to the Environmental Commission. It was the unanimous consensus of the Board that the Board Secretary should forward full applications that include Brownfields, stream water and flood plains.

### **Adjournment**

Upon motion by Todd Malkin and a second by Barry Winston, the meeting was unanimously adjourned at 7:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc