

WORK SESSION OF February 9, 2009

The work session of February 9, 2009, 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, Todd Malkin Deputy Mayor Lisa Swain, Philip Cassidy, Larry Metzger, Barry Winston, Joseph Baladi, Honey Morgenstern, Baruch Godot, Scott Osback Absent: Joseph D'Arco

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

Route 208 Corridor Study

Chairman Kortright explained that the study was done by H2M and a subcommittee was formed to review it. Upgrades were made, environmental features were added, and bonus zoning was added to increase open space. Todd Malkin who was chairman of the subcommittee, explained the overall plan. Industrial uses are leaving New Jersey. Affordable housing needs to be provided. The Borough's obligations are not going away in the near future. Nabisco is staying for the time being and is the largest land chunk in the study area. Industrial areas are shutting down and Kodak is a prime example. This document puts in place zoning that looks forward. It provides for many types of uses and is being proactive to meet the needs of the area. Although Nabisco does not intend to close in the immediate future, the plan needs to provide for that possibility. The Borough should be proactive and not reactive to the day when Nabisco closes its doors be it six months from now or 5 years. Fair Lawn needs affordable housing. It is the Borough's legal obligation to provide it. There was a market study done by H2M. When the subcommittee was formed, some of the uses suggested were removed. There was also a great deal of discussion about open space. A hotel conference center was discussed as a conditional use. The hotel would have a minimum of 100 rooms which would allow for a new liquor license to be issued. The intent was to allow

taller buildings to get a better product. The lots that front on 208, except for the Kodak site, would be office uses. Taller buildings are proposed to be permitted on the east side and shorter ones on the west side.

The Kodak site was discussed in depth and a traffic study was conducted. The Kodak site could accommodate the development a developer was proposing. The Borough hired Malcolm Pirnie as an Environmental Consultant and a letter from the State of New Jersey stated that Kodak has received most of their "no further action" letters which indicated that the clean up of the site is almost complete. Mr. Malkin added that there are a number of design standards included in this study area and they could be expanded to the entire borough. There is a section on green building standards. There are strong requirements for street trees and sidewalk. There are a great deal of design elements that the current ordinance does not include.

This study forms the foundation of any future zoning and should be adopted as an amendment to the Master Plan. Barry Winston asked, considering the economic environment is the plan realistic. Todd Malkin said that the committee hopes that economic conditions will substantially improve. Deputy Mayor Swain stated that this report is an excellent vehicle for looking forward. This is looking at the big picture but each and every application before the Board will be scrutinized. Phil Cassidy was concerned about the permitted height and Todd Malkin explained that there needs to be some incentives for affordable housing.

Glen Rock Hot Bagels – Lincoln Avenue

It was explained that the applicant paved more area than on the original plan. Phil Cassidy commented that the property was a big improvement. Chairman Kortright thought the matter was diminimus. It was the consensus of the Board that the Board Engineer could authorize the issuance of the final C.O. despite deviation from the original plan.

Upon motion by Barry Winston and a second by Todd Malkin the following closed session agenda 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 pending 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 (30) 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 7:30 P.M. with all members present as previously indicated.

It was noted that upon advice of counsel, no recommendation would be made regarding the pending zoning ordinance.

Adjournment

Upon motion by Vice-Chairman Todd Malkin and a second by Barry Winston, the meeting was unanimously adjourned at 7:45 P.M.

Respectfully submitted,

Cathy Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CLH:mc