

WORK SESSION OF APRIL 20, 2009

The meeting was called to order by Chairman Peter Kortright at 7:00 P.M.

The notice of the Open Public Meetings Law was read.

Roll Call

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

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

Conceptual; 14-01 Broadway, Urology Specialty Care

Chairman Kortright indicated that he liked the revisions to the plan. No Board members had suggestions for changes and many Board members indicated that the plan was greatly improved. Chairman Kortright complimented the applicant on the changes made.

Conceptual; Ambulance Corp. – Gazebo

The Board members asked about the exact location of the gazebo. Gail Zebular explained that the Gazebo would be located toward Plaza Road on the grassy area and would be landscaped. Board members wanted to know the purpose of the Gazebo and Ms. Zebular explained that the young members (16-18) were required to stay at the Ambulance Corp. building when they were on call. Most members prefer to be outside when the weather is pleasant rather than inside the building. Ms. Morgenstern asked about the lighting and Ms. Zebular explained that the gazebo will be very well lit. There was some concern about the area becoming a hang-out for teenagers and it was explained that this area is very well patrolled as well as an adult ambulance corp. member being present at most times. Ms. Zebular did not believe that would be a problem.

It was the unanimous consensus of the Board that this matter was diminimus and that full site plan approval would not be required.

Riparian Buffer Conservation Zone Ordinance

Chairman Kortright stated he had reviewed the ordinance and felt this was more appropriate for a Highlands area town rather than Fair Lawn. It was further noted that Fair Lawn has no C-1 waterways. This subject has not been discussed with regard to the master plan and may not be consistent with the plan. Barry Winston pointed out that the DEP regulates wetlands. Doug Bern explained that in order to properly implement this type of ordinance, several professionals would need to be hired. It was noted that the Borough can be more stringent than the state regulations but Attorney Bern pointed out that the impacts should be assessed. Board members noted it could affect many individual homeowners including those on Henderson Brook and other streams in the Borough. It was the unanimous consensus of the Board that they make a recommendation to the Council not to pursue this matter at this time. The Board may review this matter when they work on the master plan in 2010.

Litigation

Douglas Bern advised that the Borough has not reached a settlement with the developer in the Landmark matter, and a schedule for trial and document production has been established. The special master (who both parties have agreed upon) will need to receive documents by May 15th. Trial is scheduled for June 23th and there will be a five or six day trial of the issues. Richard Lustgarten has also appealed a portion of the ruling to the Supreme Court.

FAR Committee

It was agreed that Joseph Baladi will also serve on the FAR committee.

Adjournment

Upon motion by Todd Malkin and a second by Honey Morgenstern, the meeting was unanimously adjourned at 7:40 p.m.

Respectfully submitted,

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