

MINUTES

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RADBURN CITIZENS' ASSOCIATION MEETING

Date: June 17, 2009
Time: 7:30pm
Location: Grange Hall
Number in attendance (signed in): 29

President Art Murray called the meeting to order.

Pledge of Allegiance.

SPECIAL DALY FIELD REPORT:

Art Murray discussed the status of Daly Field, as follows:

The report of the court-appointed Special Master, a public document, was released on June 1, 2009. The Special Master works with Superior Court Judge Harris on the matter of Landmark vs. Fair Lawn Borough.

The Borough Council is proposing a scheme of up to 162 units consisting of 40-70 units of affordable senior citizens housing on a 2-acre portion of Daly Field with the remaining approx. 3.5 acres of Daly Field to remain as undeveloped open space and the balance of the units to be located on the Hayward lot.

The Landmark scheme is based on a "builder's remedy" superior court ruling by Judge Harris relating to COAH, and authorizes up to 200 units across the Daly Field and Hayward lots, with 120 units in 4-story buildings on Daly Field and the balance of the units in 2-story units on the Hayward lot.

In his report, the Special Master found nothing compelling in the arguments put forth by the Borough of Fair Lawn. In his concluding and summarizing remarks, the Special Master was critical of the Fair Lawn Borough Council. He specified a total of 31 COAH units, an increase from 30. The total of 31 COAH units is based on a calculation of 20% of units that are owned and/or 15% of units that are rental; the actual number of owned vs. rental units has yet to be determined. The Special Master declared that the Landmark scheme was both reasonable and sound.

Judge Harris will preside on Tuesday, June 23 for a trial lasting approx. 2 or 3 days and will render a decision at a later date. Art Murray stated that it is likely that Judge Harris will rule in favor of Landmark. Landmark plans to try to reach an accommodation with the Boro, but the Boro is not receptive. Judge Harris could choose to rule for a higher density, but as the Special Master is not suggesting a higher density, it will probably be 200 units. A compromise between the Boro and Landmark is still possible but unlikely.

The Radburn Association is still under contract with Landmark and still owns Daly Field. Landmark still does not own Daly Field. The Borough of Fair Lawn is moving forward to acquire Daly Field by eminent domain. The Radburn Association is being represented by the McKurdy law firm, which has worked with Michael Ferro for several years; McKurdy is a condemnation law firm which will be defending Radburn against eminent

domain. Landmark may compensate McKurdy for its eminent domain work. Marion Paganello said a small retainer has been paid to the McKurdy firm, that the rate is \$375/hr, and that there has been no recent activity. The Boro has offered to indemnify Radburn against Landmark.

At last Monday's meeting of the trustees, all opinions were heard with respect to the Landmark proposed scheme. Don Morris stayed out of the way of the discussion. Landmark is proposing a 4-story building, which the Radburn Association does not like. Canceling the contract does not constitute "tortious interference" because the contract has not been extended at this time.

June Meyerson shared some insights on the status of Daly Field.

A. The Landmark proposal for June 23 as described in the Special Master report:
The Landmark scheme provides on Archery Plaza: 1) open space of approx. 2/3 acre, 2) an access path to the train station along the tracks at the western side of Archery Plaza, and 3) only passive recreational improvements, such as gazebos and park amenities. The Landmark scheme features building types, as follows: 1) 121 residential units over parking in a 3-wing 4-story building configuration at the southern end of the Daly Field lot, 2) 51 residential units in 2 townhouse-type buildings (2- or 3-story) and 3) 28 residential units in 6 townhouse-type buildings (3-story).

B. The Landmark "reduced" scheme proposed to the Boro Council at a meeting:
The total number of units would be reduced from 175 to 168, consisting of 25 age-restricted COAH affordable units and 143 market-rate units. The units would be 3 stories high plus an attic with no digging down into the ground, parking only on grade level and no basements. Waivers would be sought to permit increased building height, no setbacks, overnight parking and the narrowing of Plaza Road. There is no indication of monetary consideration benefiting Radburn for the use of Archery Plaza in density calculations.

June Meyerson stated that the trustees have a responsibility to meet with the community quickly to explain the status of the project.

Bob Gulack noted that Landmark can close the deal (pursuant to the waiver clause in the contract) at any time by paying for Daly Field (either prior to or after Judge Harris rules). Landmark expects to own the land so they will defend against the eminent domain.

Kathy Moore stated that a public meeting with the trustees is needed.

Maureen Moriarty made a motion calling for an open meeting with the trustees, prior to the Judge Harris ruling of June 23, for the purpose of expressing community opinion about the Landmark development and to have the trustees explain the intended benefits of the development. Mike Roney seconded the motion. The motion carried with 22 yeas and 3 abstentions.

Graig Miller stated that meetings with the Board of Trustees (BOT) on this subject never occur.

Art Murray noted that what could have been renewed in the contract has not been renewed by this BOT.

Annabel Schlair responded to June Meyerson by stating that the Landmark project would bring new people into the community and help revitalize Fair Lawn and the Radburn commercial area, while providing a passive park and senior housing, fulfilling a need to develop downtown areas. Phyllis Weiglein said that there are plenty of empty stores, not only in Fair Lawn, but even in Ridgewood.

Marshall Chandler indicated that he left Queens to avoid such conditions.

Felice Koplik wanted to know when a plan and elevations of the Landmark project could be seen. David Bostock said the plan will be revised in the next few weeks.

Marion Paganello emphasized, in speaking of the BOT, that “we hear you” and that proposed 5-story units are “a monstrosity” and that the plan has been greatly modified. She said that the BOT has independent-minded thinking is “not a cult.” She stated that there is misinformation in the recently distributed CCRF flyer, however, Mike Roney disagreed with that statement. Marion said information is “a beast” and of a “fluid nature” and changes fast and that the board did not want to mislead. Saying that “B”-Park cannot be replicated on the Landmark site, she asked to consider the possibility of change. June Meyerson responded by saying that the point of making Radburn a landmark is to protect from change those things that made it a landmark, not to just change it and that we do not want Radburn to become like Queens.

Graig Miller said that Fair Lawn is becoming like Queens and that he is sad to see that the so-called “4th community” will not look like Radburn and that “R”-Park is run down and Radburn is going down hill.

Rita Golding asked what was wrong with the CCRF flyer. Art Murray responded that the flyer contained factual errors such as 260 units (that such an amount of units was never discussed) and 500 cars. Also, no CCRF telephone numbers were provided.

Maureen Moriarty said that our democratically-elected Borough Council represents what is best for Fair Lawn, that Fair Lawn is overdeveloped according to the State of New Jersey, and that regarding Daly Field, the residents should go to the Council instead of the Trustees. In addition, she advised that the Green Acres process can be utilized for eminent domain.

Nat Sprechman said he will submit a sketch of a “Radburn-type” proposal for “Daly Park”.

Felice Koplik stated that the Builder’s Remedy Special Master is not looking at this as a Radburn-type 4th neighborhood, but is focusing on issues of density, and that there will not be desirable or effective design control.

PRESIDENT'S REPORT:

Art Murray discussed the recent Radburn Board of Trustees meeting, reporting that there was productive and heated discussion, that opinions are made known, and that he was able to say a lot. There was a discussion to the effect that it was a huge strategic mistake not to get the Radburn community involved in the initial decision for development of the Daly Field area, and that if a meeting had been held early on for the community regarding this matter, then the response might have been more satisfactory.

OLD BUSINESS:

Thanks to Fritzi Christianson for the ever-popular Introduction to Shakespeare for Children which has concluded and was a great success. Thanks to Hospitality Committee Chair Julia Enerson and all participants for this year's successful Radburn Annual Welcoming Tea. Thanks to Stephanie Chandler and crew for the successful Radburn Community Garage Sale. Thanks to John Radice and crew for the two successful cinematic evenings thus far as part of the ongoing Movies in the Park series.

The minutes of the April, 2009 meeting were read and were approved without amendment.

The next meeting time and place will be announced for September, 2009 to take place at 7:30pm at Grange Hall.

Motion to adjourn by June Meyerson, second by Annabel Schlair.

The meeting was adjourned by Art Murray.

Respectfully submitted this 23rd day of September, 2009 by,

Laurence ("Larry") Koplik
Radburn Citizens' Association Secretary