



**MUNICIPAL LAND USE BOARD**  
**EMERSON, NEW JERSEY**  
**FEBRUARY 17, 2011**

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, February 17, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Goursky to lead the assembly in the Pledge of Allegiance. In compliance with the Open Public Meetings Act, the clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

**ROLL CALL:**

Mr. Tom Callagee – Present  
Mayor Carlos Colina – Present  
Councilwoman Danielle DiPaola – Present  
Mr. Patrick Gagliardi – Absent  
Mr. Gary Goursky – Present  
Mr. Louis Lamatina – Absent  
Mr. Christopher Leins – Absent  
Chairman Mark Orecchio – Present  
Mrs. Germaine Ortiz – Present  
Vice Chairman Gary Schwinder – Present  
Mr. Brian Todd – Present  
Mr. Richard Worthington – Present  
Mr. Christopher Martin – Present  
Mrs. Barbara Looney – Present  
Mr. Berge Tombalakian – Land Use Engineer – Absent – attendance not requested  
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested  
Mr. Joe Solimando – Absent – attendance not requested

**MINUTES:**

A motion was made to approve the minutes for the meeting held on December 16, 2010 by Mr. Goursky, seconded by Mr. Callagee, and carried.

A motion was made to table approval of the minutes for the meeting held on January 20, 2011 by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

A motion was made to approve the minutes for the meeting held on February 3, 2011 by Mr. Todd, seconded by Mr. Worthington, and carried.

**CORRESPONDENCE:**

- Memo Tesser & Cohen – dated 2/4/11 – Re: BMAI, LLC
- Memo from Joe & Cathy Hornyak – dated 2/10/11 – Re: National Institute for People with Disabilities – 22 Clinton Street
- Memo from John & Catherine Mulligan – dated 2/13/11 – Re: National Institute for People with Disabilities – 22 Clinton Street
- Memo from Tesser & Cohen – dated 2/14/11 – Re: BMAI, LLC

**VOUCHERS:**

- \$1,500.00 – Re: escrow refund – Babikian
- 23.75 – Crowne Trophy – Re: name plates

A motion was made to approve these vouchers by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried.

**BMAI, LLC – 129 KINDERKAMACK ROAD – CONTINUED**

Mr. Martin referred to the applicant's memo mentioned in the correspondence, requesting an adjournment to our next meeting – the applicant has agreed to waive the time limit for review, and the matter will be continued at our meeting of March 3, 2011.

**NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES – 22 CLINTON STREET – NEW APPLICATION**

Ms. Grace Bertone was present and is representing the applicant. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. Martin. Ms. Bertone stated the applicant is a 501 (c) (3) corporation, which owns the property located at 22 Clinton Street. The existing structure is a single family home used by the applicant as a group home for the developmentally disabled, which is a permitted use in all residential zones of the Borough. The existing structure contains one garage, which the applicant proposes to convert into living space. Under the current code, existing structures which have a garage may not convert that garage to any other use without replacing it with another garage, and we are requesting a variance to convert the existing garage into living space, without replacing the garage elsewhere on the property. There will be no structural changes to the garage, and the work would include insulating the walls, lighting, electrical outlets, and a full bathroom. A full sketch of the proposed work was submitted with the application.

Mrs. Bertone introduced to the Board and the public, Mr. Ralph Coloma of 344 Fountain Road Monroe, New York, of the National Institute. Mr. Coloma was sworn in by Mr. Martin and accepted as a witness. Mr. Coloma stated that he is the Senior Coordinator, overseeing 8 group homes, apartments, and supervisors. The Emerson location has 4 females, who have daily activities, which include workshops and household duties – none of the residents have vehicles. Employees are on site 24 hours, working 3 eight hour shifts – no more than 2 to 3 staff at any one time, who park in the driveway. The conversion would let us take in one more resident – the current waiting list for occupancy is over 8,000 within the State. Once a resident is placed, it is a lifetime placement; each resident has their own bedroom. Mr. Orecchio questioned the employees – do they drive or take public transportation – Mr. Coloma stated most of them are dropped off – if they drive, they park in the driveway. Mr. Goursky, Mr. Schwinder, and Chairman Orecchio commented on memos the Board received from neighbors about on street parking being a problem. Mr. Schwinder stated that when he passed by the location the past few times, there have been multiple vehicles parked in the street, and no vehicles in the driveway. Mr. Coloma stated the existing garage is used for storage. Two vans are normally parked in the driveway to assist and transport the current residents. The Secretary stated the application was given to Chief Rossi to review. Mr. Schwinder questioned whether the applicant could add another bedroom behind the area of the existing garage – Ms. Bertone stated that due to funding, converting the existing garage would be feasible. Mayor Colina referred to the memos received from the neighbors with regard to property maintenance, and would like Mr. Coloma to speak to the staff about being good neighbors. Mr. Worthington questioned whether property maintenance procedures are in place in other locations – Mr. Coloma stated there are, and are enforced by management employees. Councilwoman DiPaola questioned the number of visitors the residents receive – Mr. Coloma and Ms. Bertone stated they do not receive a lot of visitors – family members may come by to take them out to dinner or home overnight – but rarely ever stay any length of time at the home.

At this time, Ms. Bertone introduced to the Board and the public Mr. Kevin O'Brien, Licensed Planner. Mr. O'Brien gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. Mr. O'Brien stated he was retained to look at the application from a planning perspective. This is a group home – seeking to convert the existing garage into living space for an additional resident. There are 4 female residents at the home, who do not drive or own a vehicle. Currently there are 6 staff members who work at the home on a daily basis – 24 hours a day – overnight the staff parks in the driveway. A ranch house is the perfect situation for a group home due to the disabilities of the residents. If we added a garage, we would need a front and side yard variance. The house will be resided and the driveway will be repaved. Mr. O'Brien distributed and reviewed various photographs he took of the existing home and property. Mr. O'Brien commented that the Superior Court, in the State of New Jersey, ruled that group homes are a beneficial use and a value to the community. Mr. Schwinder stated if the application is approved – we must have enforcement of parking and property maintenance issues by the employees – be good neighbors, as this is a residential zone.

A motion was made to open public session by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried.

Ron Kayan – 18 Clinton Street – would like the application denied; the residents of the home are the best neighbors – this is a business that should have been put in a mixed zoning area. Parking is an issue, especially this past winter. The property is in disarray – the plows and garbage trucks had a horrible time, due to the weather. Leaves were piled up in the rear yard as large as a car, along with animals. The last time the property was painted was in 1978, understood there was grant money awarded to side the house, and that still hasn't been done. Grass, weeds, and flowerbeds are out of control. Garbage is now stored in the garage – where will they put it if the garage is converted. If another resident, there will be another caregiver and vehicle. During the shift changes, in warm weather months, there is loud music coming from the vehicles picking up the employees, and blowing of car horns. The air conditioning unit runs 24 hours a day, 7 days a week, unable to sit his sunroom. We all pay property taxes; we do not deserve this, and have been living with this situation for years. Mr. Kayan stated the house supervisor told him they got grant money from the State to paint the entire home. This application has to be denied – the parking situation is out of control – this has to stop. What is going to happen if there is an additional resident?

Carolyn Guglielmi – 23 Clinton Street – has 3 small children, who have observed bad behavior between the employees and the people who are picking them up; was told this home would blend into the community; moved here from Washington Heights, New York to get away from noise and to raise to a family. Mrs. Guglielmi stated she called Mr. Coloma to complain about the parking, and noise – especially at night with the shift change – car horns blowing, music from the vehicles, and the loud talking. If you lived in the area, you would not allow this to happen – this is very difficult, and enough is enough. Mr. Worthington commented to Mr. Coloma that due to the complaints we are hearing this evening, your employees are not representing the agency very well – supervisors do not seem equipped to handle the situation. Mayor Colina requested any resident who has any issue with this property – or this variance application – to please contact him directly.

Pat Kayan – 18 Clinton Street – caregivers park on the street overnight – with the snow, it's an obstacle course to drive down the street. The property is in disarray, and the Fire Department is there constantly on calls.

Robert Block – 126 Randolph Avenue – concurs with the comments of the previous speakers. With this conversion, there will be more problems – another resident, and another caretaker. Parking in the area is ridiculous – very inconvenient for us – and the home is in disrepair. Ms. Bertone questioned Mr. Coloma on whether an additional caregiver would be required – Mr. Coloma stated he did not think so at this time.

Ken Hoffman – 61 Emwood Drive – if a room was added of the rear of the home, would a variance be needed – Chairman Orecchio stated we do not have a site plan, however, due to the depth of the property, it appears a variance would not be needed – cost is a factor. Ms. Bertone stated Mr. Coloma will address issues brought up this evening. Mr. Callagee stated he feels that property maintenance needs to be addressed, regardless if the variance is granted. Understands the Institute relies on funding to support the conversion, and maintenance of the property. Councilwoman DiPaola expressed her concerns with the condition of the interior of the home more, than the exterior of the home, and suggested a business card be posted in the window of the residence for the neighbors to have a contact person. Chairman Orecchio stated the Site Plan Committee will schedule an appointment for an inspection.

Ms. Bertone introduced to the Board and the public Diane Quinton, Managing Agent, for the Institute. Ms. Quinton gave her credentials, was sworn in by Mr. Martin, and accepted as a witness. Ms. Quinton stated she is responsible for maintaining and purchasing of the properties in the State of New Jersey. Ms. Quinton stated she is appalled by the comments she heard this evening by the neighbors, and would like to have known about this situation earlier. Funding was requested 4 years ago from the State of New Jersey to side the entire home, replace the roof, which included the funding for the conversion of the garage into living space – so they can place another person, which would be a benefit to all. The money is at our disposable now, roof has been replaced, and we plan to reside. I can assure you I will address the landscape issues, and the interior of the home is in good addition – I welcome any one to come for a visit – total funding was \$40,000. The siding has not been done; we are awaiting the outcome of this process. The funds must be used by July 1<sup>st</sup>. or we may have to back to the State to have the conversion removed. Project costs, including bathroom, was \$47,000 – Mr. Martin requested a copy of the letter from the State with regard to the funding. Mr. Todd suggested having one community liaison to be in contact with Mr. Coloma. Mrs. Ortiz suggested more training for the caregivers of the home.

Ron Kayan – 18 Clinton Street – stated he went to the house supervisor Ada, over the years, to get contact information, and was stonewalled. Feels an auditor should be called in to go over the books and the insufficient air conditioning unit.

A motion was made to close public session by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

After Board discussion, the Site Plan Committee will schedule an inspection of the property. The Secretary will request the attendance of a representative of the Police Department, and Mike Sartori. Ms. Quinton suggested a resident of the community also attend the inspection, which Mr. Kayan agreed to.

Ms. Bertone thanked the Board for their time and consideration. The application will be continued at our next meeting scheduled for March 3, 2011.

#### **ANY BOARD MEMBER:**

At this time, Councilwoman DiPaola invited Ken Hoffman to speak about changes; he would like to see, as a member of the Historical Preservation Commission, and to the Borough's Master Plan with regard to the Historical Preservation. Mr. Hoffman distributed literature, which the Secretary will scan and email to all Board members. Mr. Hoffman stated the Commission wants to start to designate landmarks, which is an element of the Master Plan. Borough Planner, Joe Burgis, would have to give an estimate of the costs. Chairman Orecchio stated we will review the literature and put on the agenda for our next meeting.

**GOOD AND WELFARE:**

A motion was made to open public session by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried, with no comments.

A motion was made to close public session by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

**ADJOURNMENT:**

A motion was made to adjourn the meeting by Mr. Goursky, seconded by Mr. Todd, and carried.

Respectfully submitted,

  
Barbara Looney