

EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
SEPTEMBER 17, 2009

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, September 17, 2009. Chairman Bischoff opened the meeting at 8:00 PM, and invited Ms. DiPaola 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.

ROLL CALL:

Councilman Steven Bair – Absent
 Chairman Jeff Bischoff – Present
 Mr. Tom Callagee – Absent
 Ms. Danielle DiPaola – Present
 Mr. Gary Goursky – Absent
 Mr. Brian Lacey – Present
 Mayor Lou Lamatina – Present
 Mr. Christopher Leins – Absent
 Mr. Mark Orecchio – Present – arrived at 8:30
 Mrs. Germaine Ortiz – Present
 Mr. Gary Schwinder – Present
 Mr. Christopher Martin – Present
 Mrs. Barbara Looney – Present
 Mr. Michael Sartori – Construction / Zoning Officer – Present
 Mr. Paul Niehoff – Present
 Mr. Joe Solimando – Absent – DPW Superintendent / Shade Tree Commission

MINUTES:

A motion was made to approve the minutes for the meeting held on July 16, 2009 by Mayor Lamatina, seconded by Mr. Schwinder, and carried.

A motion was made to approve the minutes for the meeting held on August 20, 2009 by Mayor Lamatina, seconded by Mr. Schwinder, and carried, with Ms. DiPaola abstaining.

CORRESPONDENCE:

- Memo from Maser Consulting – dated 9/11/09 – Re: 200 KMACK Properties
- Memo from Claire Psota – Tax Assessor – dated 9/16/09 – Re: 200 KMACK Properties
- Email from Chief Mark Savino – Fire Department – dated 9/16/09 – Re: 200 KMACK Properties
- Memo from Sgt. Richard Mottley – Police Department – dated 9/17/09 – Re: 200 KMACK Properties

VOUCHERS:

- \$1,667.50 – Maser Consulting – Re: Grand Investments IV, LLC
- 652.50 – Maser Consulting – Re: MSH Management LLC
- 325.00 – Maser Consulting – Re: Inserra / Shoprite
- 72.50 – Maser Consulting – Re: 31 Emerson Plaza LLC
- 326.25 – Maser Consulting – Re: 200 KMACK Properties

A motion was made to approve these vouchers by Ms. DiPaola, seconded by Mrs. Ortiz, and carried.

31 EMERSON PLAZA, LLC – REQUEST FOR EXTENSION – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Lacey, seconded by Mayor Lamatina, and carried. Roll call vote as follows:

Mr. Schwinder – yes
 Mayor Lamatina – yes
 Mr. Lacey – yes
 Chairman Bischoff – yes

MSH MANAGEMENT – 45 EMERSON PLAZA EAST – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mayor Lamatina, seconded by Mr. Lacey, and carried. Roll call vote as follows:

Mr. Schwinder – yes
 Mr. Lacey – yes
 Mayor Lamatina – yes
 Chairman Bischoff - yes

GRAND HOMES & PROPERTIES – 55 EMERSON PLAZA EAST – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Lacey, seconded by Mayor Lamatina, and carried. Roll call vote as follows:

Mr. Schwinder – yes
 Mayor Lamatina – yes
 Mr. Lacey – yes
 Chairman Bischoff – yes

200 KMACK PROPERTIES, LLC – 200 KINDERKAMACK ROAD – NEW APPLICATION

Mr. Andy Del Vecchio was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed sufficient by Mr. Martin. Mr. Del Vecchio stated the property is located in the Central Business East District, and is approximately 10,602 square feet. The applicant is proposing a mixed commercial and residential use consisting of approximately 1700 square feet of commercial retail / commercial space, and 2 floors above consisting of a total of 9 one bedroom residential units. The following were entered and marked as exhibits:

- A1 – Affidavit of public notice
- A2 – Site plan consisting of 5 sheets – dated 8/4/09
- A3 – Drainage report
- A4 – Architectural plans consisting of 2 sheets – dated 6/14/09

Mr. Del Vecchio introduced to the Board and the public Mr. Michael Hubschman, of Hubschman Engineering, who will be testifying this evening as an Engineer and Professional Planner. Mr. Hubschman gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. Mr. Hubschman stated he visited the site, prepared the site plan, and reviewed the Borough

Ordinances. The existing site is blighted – an abandoned gas station – in the rear there is a 2 foot concrete

retaining wall. The applicant is proposing to remove the existing building and construct a 3 story building – 1st floor will be approximately 1790 square feet of commercial / retail space, the 2nd floor will consist of 5 one bedroom residential units, and the 3rd floor will have 4 one bedroom residential units. The south side of the building will provide the staircase, elevator, and a small lobby that will go up to the apartments. On the north side of the property, the building is set to be 5 feet off the walkway between Kinderkamack Road and the rear parking area – we are taking the access off the site from Kinderkamack Road onto Kenneth Avenue, and Mr. Del Vecchio is working with the Borough on this easement. Mr. Hubschman stated the only variances required are for impervious coverage – 90% is required and we are proposing 96.4%, and number of parking spaces – 18 are required and we are proposing 17.6 spaces. The utilities are all available off Kinderkamack Road, and the building will be fully sprinkled. In the rear of the site, there is a low area in the Ambulance Building site, which is connected to Lincoln Boulevard and we proposing our drainage to Kinderkamack Road, and a trench pipe in the rear of the site to tie into the Ambulance Building, and we would agree to install seepage pits, if necessary. Mr. Hubschman was questioned on soil movement – most of the soil will be exported for footing dirt and removal of the rear retaining wall. Mr. Del Vecchio referred to the access from the municipal lot that will disturb 3 parking spaces – Mr. Hubschman stated the applicant has had discussions with the owner of Gregory T's, and the thought is that Gregory T's will dedicate 3 parking spaces, on their property, to make available to the Borough of Emerson to replace the ones closest to the Ambulance Building as municipal parking – Chairman Bischoff would like to see some type of written agreement to this effect, and further stated he heard the lot with the small structure was to be demolished to provide additional parking – Mr. Del Vecchio agreed to make the agreement a condition of approval, and he believes the utilities have been disconnected to the structure. Mr. Dave Mason, Captain of the Ambulance Corp, was present and stated that many times commuters park in the dedicated ambulance spots, and when we have a call, there is no where to park – we have to park in the yellow area – which would be lost by this easement, and we would be unable to get the second ambulance rig out of the building, if we needed to. Chairman Bischoff suggested that we get the additional parking for the Ambulance Corp from the lot of Gregory T's where the structure is to be demolished. Mr. Niehoff referred to his report and to Sgt. Mottley's report dated 9/17/09 and their concerns with limited sight distance, vehicles backing up on the lots adjacent to the site – Cork & Keg / Ranch Cleaners – due to close proximity to the sidewalk, and the cross walk for the school zone. Mr. Sartori suggested moving the proposed building 5 feet to the north – Chairman Bischoff stated that may interfere with the crosswalk for the school, if the building was moved; it would give additional protection to the Ranch Cleaners.

At this time, Mr. Del Vecchio introduced to the Board and the public the applicant Mr. Jerry Polidoro, 77 Piermont Road, Norwood, New Jersey. Mr. Polidoro was sworn in and accepted as a witness. Mr. Polidoro stated that he has spoken to the new owner of the adjacent lot – Gregory T's – he has plans to demolish the existing structure, already secured a contractor, and the gas has been disconnected. This will be the payment of the lease of the parking spaces to Gregory T's. Mr. Polidoro further stated that with the demolition of the structure and the area behind, we should be able to secure approximately 12 parking spaces. Chairman Bischoff stated he would like to see more parking spaces for the Borough, and referred to the memo from Claire Psota, Borough Tax Assessor – my main concern is parking for our Ambulance Corp and there are already more residential parking permits than parking spaces. Mr. Del Vecchio agreed to give the Borough 5 spaces – instead of 3 – closest to the Ambulance Building. Mr. Orecchio questioned if there is an agreement between Gregory T's to grant access from their parking lot onto the proposed site – Mr. Del Vecchio stated we will get an easement to access over the lot to and from the parking spaces. Once again, Chairman Bischoff stated he would like to see more parking spaces – feels 7 parking spaces would be sufficient – for the use of the Ambulance Corp and municipal parking, which Mr. Polidoro agreed to.

Mr. Martin questioned Mr. Del Vecchio on a landscape plan – Mr. Del Vecchio stated that the plan will be further revised based on Mr. Niehoff's comments to enhance the streetscape. Mr. Niehoff stated that due to the improvements on Kinderkamack Road, my preference along with the

County, is to collect funds from the applicant, and not do the streetscape at this time, due to possible changes.

Mayor Lamatina questioned the applicant's COAH obligation – Mr. Del Vecchio stated the commercial portion would be exempt, and anticipates the residential portion would be subject to COAH development ordinance fees.

Mr. Del Vecchio introduced to the Board and to the public Mr. Joseph Donato, licensed Architect in the State of New Jersey. Mr. Donato gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. Mr. Donato stated he prepared the plans, based on the criteria in Central Business East District. Mixed retail / residential 3 story building – the basement area will be eliminated reducing the retail space by 100 to 150 square feet. Access to the residential units will be from both the rear and front of the building – Mr. Niehoff questioned if the building was moved 5 feet to the north – we could flip the building for more of a buffer from the property to the south. The building would be brick, stone, and granite – traditional in nature, with a Main Street look. Mr. Schwinder would like the residents / tenants to have designated parking.

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

Ken Hoffman – 61 Emwood Drive – concerned about the COAH issued – Mr. Martin stated if there is no COAH requirement, as Mr. Del Vecchio feels, Mr. Martin would request that if any issue is raised in the Borough, that the applicant indemnifies the Borough. Mr. Niehoff suggested having our Borough Planner, Joe Burgis, give an opinion.

A motion was made to close public session by Ms. DiPaola, seconded by Mrs. Ortiz, and carried.

A motion was made to approve the application by Mayor Lamatina, seconded by Mr. Orecchio, and carried, based on the following:

- 7 parking spaces – with Mr. Del Vecchio drafting the easement from Gregory T's to the Borough
- Moving the garbage to the north side of the site
- Seepage pits
- Flip the building

Roll call vote as follows:

Mrs. Ortiz – yes
 Mr. Schwinder – yes
 Ms. DiPaola – yes
 Mr. Lacey – yes
 Mr. Orecchio – yes
 Mayor Lamatina – yes
 Chairman Bischoff – yes

Mr. Martin will prepare a Resolution for our next meeting. Mr. Del Vecchio and Mr. Polidoro thanked the Board for their time and consideration.

ANY BOARD MEMBER:

Mr. Lacey distributed a photo of the new Celebrity Salon – the window shades have the Celebrity Salon logo, which he feels is additional signage, and not approved by this Board. The Secretary will bring this matter to Mr. Sartori's attention, since he already left Council Chambers.

GOOD AND WELFARE:

A motion was made to open public session by Ms. DiPaola, seconded by Mayor Lamatina, and carried.

Ken Hoffman – 61 Emwood Drive – thanked the Board for their hard work on the recent approvals and hopes to see a “snowball” effect in the downtown area.

A motion was made to close public session by Mayor Lamatina, seconded by Ms. DiPaola, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Mayor Lamatina, seconded by Mr. Schwinder, and carried.

Respectfully submitted,


Barbara Looney