

EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
DECEMBER 21, 2006

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, December 21, 2006. Chairman Bair opened the meeting at 8:00 PM, and invited Mr. Cassidy 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:

Mr. Robert Adams – Present – arrived 8:50 pm
Chairman Steven Bair – Present
Mr. Owen Cassidy – Present
Mr. John DeThomasis - Absent
Mr. Gary Goursky – Present
Mr. Mark Orecchio – Present
Mayor Steven Setteducati – Present
Councilman Brian Todd – Present
Mr. Mark Madaio – Attorney – Present
Mrs. Barbara Looney – Secretary – Present
Mr. Mike Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Ken Job – Borough Engineer – Absent – attendance not requested

MINUTES:

A motion was made to approve the minutes for the meeting held on October 19, 2006 by Mr. Cassidy, seconded by Councilman Todd, and carried.

A motion was made to approve the minutes for the meeting held on November 16, 2006 by Mr. Orecchio, seconded by Councilman Todd, and carried.

CORRESPONDENCE:

- Memo from Joe Scarpa – dated 11/28/06 – Re: Christmas and Holiday Events
- Notice for Change of Tenancy – 177 Kinderkamack Road
- Email from Daniel Brandreth – Re: Change of Tenancy – 12 Emerson Plaza West
- Memo from Wells, Jaworski, Liebman & Paton – dated 12/18/06 – Re: Oritani Savings Bank
- Memo from Job & Job – dated 12/18/06 – Re: Pascack Valley Shopping Center
- Memo from Price, Meese, Shulman & D'Arminio – dated 12/19/06 to Eric Timsak – Re: Pascack Valley Shopping Center
- Memo from Job & Job – dated 12/21/06 – Re: Oritani Savings Bank

VOUCHERS:

- \$2,760.00 – Job & Job – Re: Pascack Valley Shopping Center
- 1,075.00 – Job & Job – Re: 58 Kinderkamack Road, LLC
- 1,207.50 – Mark Madaio – Re: McGuinness / Cullen
- 1,380.00 – Mark Madaio – Re: Emerson Fence
- 715.00 – Macro Mail – Re: Planning Board Newsletter
- 462.00 – MGL Forms – Re: Minute books and paper

A motion was made to approve these vouchers by Mr. Orecchio, seconded by Councilman Todd, and carried.

177 KINDERKAMACK ROAD – CHANGE OF TENANCY

Ms. Tiffany Thompson was present and is interested in opening a business with regard to the sale of astronomical artifacts, books, candles, cards, and jewelry, at 177 Kinderkamack Road. Ms. Thompson stated most of her business is online and the site is presently vacant. There are no assigned parking spaces; however, there are 2 existing tenant spaces for the property. The use is a retail use which is permitted under the zoning ordinance, and the hours of operation would be from 9 AM to 5 PM.

A motion was made to open public session by Mr. Goursky, seconded by Mr. Orecchio, and carried, with no comments.

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

A motion was made to approve the Change of Tenancy by Councilman Todd, seconded by Mr. Orecchio, and carried. Roll call vote as follows:

Mr. Cassidy – yes
 Mayor Setteducati – yes
 Mr. Goursky – yes
 Mr. Orecchio – yes
 Councilman Todd – yes
 Chairman Bair – yes

Ms. Thompson thanked the Board for their time and consideration.

12 EMERSON PLAZA WEST – CHANGE OF TENANCY

Daniel and Barbara Brandreth were present and stated they are interested in opening a dog grooming and sale of pet supplies at 12 Emerson Plaza West. Mr. Brandreth stated the space is presently vacant and is approximately 600 square feet; the business would operate Tuesday through Saturday 8 AM to 4 PM; the site has sufficient parking; no more than 6 dogs would be onsite at any time; dog grooming and sale of pet supplies – no boarding or training of pets. Signage will be posted on the site reminding customers not to walk their dogs on Borough property or public streets.

A motion was made to open public session by Mr. Orecchio, seconded by Mr. Cassidy, and carried, with no comments.

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

A motion was made to approve the Change of Tenancy by Councilman Todd, seconded by Mayor Setteducati, and carried, based on a memo from Mike Sartori stated the use is permitted. Roll call vote as follows:

Mr. Cassidy – yes
 Mr. Goursky – yes
 Mr. Orecchio – yes
 Mayor Setteducati – yes
 Councilman Todd – yes
 Chairman Bair – yes

Mr. & Mrs. Brandreth thanked the Board for their time and consideration.

PASCACK VALLEY SHOPPING CENTER – AMENDED FINAL SITE PLAN APPROVAL

Mr. Paul Conciatori was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed sufficient by Mr. Madaio. Mr. Conciatori stated he is here this evening for a preliminary and final amended site plan approval, along with an amended major soil movement permit – which was previously approved. The Stop & Shop supermarket is going to be reduced in size by 12,153 square feet, with that, we will be adding 3,200 square feet of new retail space on the southern side of the existing Marshall's building. Due to this, a loading dock that serviced the supermarket will be removed, along with 3 wall signs. We will be losing 8 parking spaces due to the reduction of square footage, but the parking space per square foot ratio improves. The following were entered and marked as exhibits:

- A1 – Amended site plan
- A2 – Architectural plans
- A3 – Application for preliminary and final amended
- A4 – Soil movement documents
- A5 – Addendum to stormwater report
- A6 – Site plan – sheet # 20.01 – revised 11/21/06
- A7 – Isopach drawing of earthwork
- A8 – Exterior elevations
- A9 – Additional retail area
- B1 – Job & Job memo – dated 12/18/06
- B2 – Memo dated 12/19/06 to Erick Timsack
- B3 – Memo from Sgt. Mottley – dated 4/1/05
- B4 – Memo from Sgt. Mottley – dated 6/14/05
- B5 – Memo from Sgt. Mottley – dated 7/16/06

Mr. Conciatori introduced the following witnesses, who were all sworn in by Mr. Madaio:

- Mr. Mike Fowler – Engineer
- Mr. Anthony Guzzo – Architect
- Mr. Matt Murello – Acoustic Engineer
- Mr. Richard Preiss - Planner

Mr. Fowler advised the Board and the public that the supermarket has been reduced – 9,000 square feet and 32 feet less in width, and the rear of the building has been moved in 17 feet. The loading on the north side of the building has been reduced by one loading space, and a compactor on that side has also been eliminated. Anchor “B” (Marshall’s) has shifted 32 feet to the north to include the addition of a 32 foot wide additional retail store – Anchor “C”. Eight parking spaces have been lost due to these changes. The stormwater drainage will remain the same – just some minor piping changes around the buildings given their relocation and reduction in size of the building. The pylon sign will remain at 23 feet – an additional panel will be added for Anchor “C”. Mr. Fowler stated the amended major soil movement is necessary due to a change in volume – additional and deeper cuts near Anchor “C”.

Mr. Conciatori requested Mr. Fowler review the change in façade – Mr. Fowler stated the building elements are going to remain the same – just the overall width that is being reduced – 352 to 320; with that reduction we are going from 14 to 11 department signs – the main Stop & Shop sign will remain the same. Due to the reduction in square footage, the number of rooftop air-handling units has also been reduced, as well as a reduction in noise to the residential properties during the day and nighttime hours.

At this time, Mr. Conciatori requested Mr. Preiss to review the changes. Mr. Preiss stated he reviewed the plan and it does not create the need for any new variances or increases the extent of the variances this Board already granted – the site plan is well laid out and the changes will be an improvement to the neighborhood.

Chairman Bair advised the Board and the public that Sgt. Mottley would like to address some traffic issues. Sgt. Mottley gave his credentials, was sworn in by Mr. Madaio, and accepted as a witness. Sgt. Mottley stated Mr. Eric Timsack, of the Bergen County Planning Board, faxed him a letter today from Mr. Conciatori dated 12/19/06 with regard to the site – the Secretary distributed a copy of this letter to all Board members. Sgt. Mottley further stated the Police Department’s position all along was to have Seneca Avenue included in the signaling – preventing left turns into or out of the site by the north driveway. We found out that Seneca Avenue was planned on being right-turn only, and not signalized. In speaking further with Mr. Timsak, he felt if traffic was to exit elsewhere, the Department of Transportation (DOT) will not approve the signal – keeping the same as it is today – and I feel that a meeting should be set up between the applicant, the County, and the Police Department to get everyone on the same page. Mr. Conciatori came forward and stated the previous approval did not include a light at Seneca Avenue, and it allowed left turns into and out of the site from the north. Ultimately, we will have to comply with what the County wants – but this evening we are here for an amended final approval, along with soil movement – this is a County traffic issue which the Municipality can do what they see fit. Mayor Setteducati stated the Board did hire their own traffic expert, and felt we spent quite a bit of time on the traffic issues. Sgt. Mottley stated Kinderkamack Road is busy all the time, especially commuter hours, and the post office is across the street which is busy 5 ½ days a week –has conflicting turns in and out. Chairman Bair suggested Mr. Conciatori get together with all parties to come up with a conclusion, and send Sgt. Mottley a copy of the most recent plan.

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

Larry Vosk – 5 Seneca Avenue – was unable to attend previous hearings, and stated his concerns with noise and car gas.

A motion was made to close public session by Mr. Cassidy, seconded by Mayor Setteducati, and carried.

A motion was made to approve the amended final site plan approval, along with major soil movement permit by Mayor Setteducati, seconded by Mr. Goursky, and carried. Roll call vote as follows:

Mr. Cassidy – yes
Councilman Todd – yes
Mr. Orecchio – yes
Mr. Adams – abstain
Mr. Goursky – yes
Mayor Setteducati – yes
Chairman Bair – yes

Mr. Madaio will prepare a Resolution for our next meeting. Mr. Conciatori thanked the Board for their time and consideration.

ANY BOARD MEMBER:

Due to the length of this evening's meeting, the 2007 Budget was not discussed. A special meeting will be held on Thursday, December 28, 2006 to discuss the budget and to memorialize the Resolution for the Pascack Valley Shopping Center.

GOOD AND WELFARE:

A motion was made to open public session by Mayor Setteducati, seconded by Councilman Todd, and carried, with no comments.

A motion was made to close public session by Councilman Todd, seconded by Mayor Setteducati, and carried.

ADJOURNMENT:

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

Respectfully submitted,

Barbara Looney