

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
OCTOBER 2, 2014**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 p.m. 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 Building. In the case of fire you will be instructed to follow the fire exit signs above the doors to the right and left of the Chambers, and exit calmly.

Pledge of Allegiance

Roll Call

Robert Adams	Present
Thomas Callagee	Absent
Carlos Colina, Mayor	Present
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Absent
Gary Schwinder, Vice Chairman	Present
Michael Wallace	Present
Richard Worthington, Council	Absent
N. Tortora/C. Martin, Attorney	Present
Berge Tombalakian, Engineer	Present
Bridgette Bogart Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Minutes:

Minutes from September 4, 2014 were approved on a motion from Mr. Goursky, seconded by Mr. DeThomasis, and carried by all.

Correspondence: none

Vouchers:

- Morrison Mahoney – 4th qtr. Retainer - \$1,000.00
- Morrison Mahoney – Liberty Subaru - \$437.66
- Morrison Mahoney – Clark - \$350.16
- B. Bogart Design and Planning – Wise Family Trust - \$725.00
- B. Bogart Design and Planning – 17 Chestnut - \$1,268.75
- B. Bogart Design and Planning – Isaac Deg. - \$145.00
- B. Bogart Design and Planning – Subaru - \$543.75
- Boswell Eng. – Veteran Housing - \$790.00
- Boswell Eng. – Radici - \$316.00
- Boswell Eng. – Armenian Home - \$474.00
- No. Jersey Media – Veteran Housing - \$34.57

A motion to approve the above was made by Mr. Goursky, seconded by Mr. Schwinder, and carried.

Resolutions:

**The Wise Family Trust
32 Bland Street
Block 213, Lot 6
Site Plan Approval**

The resolution was read by all board members. A motion to approve the resolution was made by Mr. Schwinder, second by Mr. DeThomasis and approved by roll call vote of those eligible to vote:

Mr. DeThomasis	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

**Elm Terrace
82 Locust Street
11, 15 and 17 Arthur Street
Block 421, Lots 7, 8, 9, and 10
Time Extension**

The resolution was read by all board members. A motion to approve the resolution was made by Mr. Adams, second by Mr. Goursky and approved by roll call vote of those eligible to vote:

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Schwinder	Yes
Mayor Colina	Yes
Mr. Goursky	Yes
Mr. Adams	Yes
Chairman Orecchio	Yes

This resolution will be published and distributed as required.

New Application:

**Emerson Affordable Housing, LLC
For Veteran Housing – 324 Main Street
Block 304 Lot 3**

Holly Schepisi was present as the Attorney for the applicant. A use variance was obtained from this Board in July for 324 Main Street for 14 units of affordable veterans housing – 7 single story homes with 2 unit each in a campus layout. Each building will be 1296 sq. ft. with 2 residences each. There will be 1 bedroom and 1 bath with a living room/dining room and a kitchen. All notice is satisfactory as per Attorney Neil Tortora.

Mr. Harry Tuvel, Engineer and Planner was the first to testify. Mr. Tuvel has been previously qualified. No variances are needed, just small waivers. Mr. Tuvel was sworn in by the Board Attorney.

Exhibit A-1 with multiple pages was discussed. Parking was increased on the east side. There are now 32 spaces where 26 are required. The buildings will be 15' from the rear property line. The dumpster will be moved to the west side where the commercial property is. The parking calculation was discussed regarding 2 uses on the property. Mr. Adams asked if a garbage truck will be able to maneuver the property. Mr. Tuvel will provide a turning radius. Chairman Orecchio spoke regarding

he parking for residents vs. the parking for visitors and for Legion members. Mr. Schwinder suggested consulting with the Legion on the amount of people attend their functions. The Commander of the Legion will speak later on. Mr. Tuvel stated that this a very 'green' design. Lighting was discussed – shown on page 5 of 7. There will be porch lights with no spillage. Mr. Schwinder stated that the residences are concerned with the grade of the property. He asked the applicant if they would consider lowering the grade for the new development. Ms. Schepisi stated that most of the area is rock. Mr. Tuvel stated that the natural vegetation will be preserved. The applicant will work with the Engineer and the residents on deer resistant products. Mr. Schwinder also feels that the driveway is too tight. Chairman Orecchio asked for characterization of the change in grades. Sheet 3 of 7 was shown. Retaining walls were also shown. Retention unit capacity was also discussed. Mr. Tombalakian from Boswell stated that the property has a ridge in the center, which drains to the sides. More of a topographical study is needed. Mr. Tombalakian has no comments at this time, he is still in the process of the review of this application. Mr. Tuvel stated that for him to do more work access to the neighboring properties is needed. He would also like to meet with Mr. Tombalakian at the site. Berge stated that he has no problems with this but would also like to see all the information on a plan. Mr. Schwinder stated that this application requires a site visit before the next meeting of October 16th.

A 3-minute break was taken so Ms. Schepisi could talk to her client. Ms. Schepisi confirmed that there are considerations regarding funding.

Drainage was the next thing to be discussed – the site will not tie into the town storm drain system on Main Street. Regarding landscaping, there will be 16 new trees in the front and on the sides. Natural vegetation will be used as a buffer, no fencing is proposed as of now, but will be done if necessary. Mr. Schwinder asked where the bio retention system would overflow. The design of this would be subject to a PERC test. Mr. Schwinder added that this area is known for flooding. Ms. Schepisi stated that the applicant will hear and consider all recommendations. Mr. Schwinder asked if there are any provisions for a gate to prevent icy conditions for vehicles. Mr. Tuvel stated that this can be added if needed.

Ms. Bogart, the Board Planner, spoke regarding ADA accessibility from the parking lots to the residences. Mr. Tuvel stated that there will be ADA curb cuts at the handicapped spaces. No signage is proposed except 'no parking' and for garbage pick up. There will be details on signage later. The existing driveway will be repaired and used. Regarding lighting spillage needs to be eliminated. Can internal sidewalks be connected to the sidewalks on Main Street? Ms. Schepisi stated that this depends on funding and that she will get back to the Board on this issue.

The following waivers/variances are needed:

Maximum building coverage – 11,439 proposed, 2,250 required

Minimum floor area

Parking space size

Driveway width – 24' proposed, 18.5 required

Drive aisles

'C' and 'D' variance cases were discussed by Ms. Schepisi and will be forwarded to Attorney Tortora. Mr. Tortora stated that the notice given covers all waivers and/or variances requested.

The next witness was Edward Arcari of Arcari and Lovino Architects. Mr. Arcari was qualified and accepted at the last meeting. He presented Exhibit A-2 and talked about elevations. There will be 3 different looks, 3 different peaks, and 3-4 different color schemes. Hardy plank boards will be used for siding and the roofing could be different on a few homes. Color renderings were shown. Lighting, ADA accessibility and 5' patios in the rear of the units were discussed. Mr. Schwinder would like to see privacy partitions between the patios. This can be done. There will be air conditioning in each unit.

Mr. John Hogan, the Commander of the American Legion was next to speak. He was sworn in by the Board Attorney. Mr. Hogan was asked about events at the Legion. In the past the building was rented out for parties. This is no longer done since the building is no longer safe. If the building is restored it would only be used for Legion activities. There are presently 20 members who share transportation to and from the building. Mr. Hogan gave a history of the site to all present.

A motion to open the meeting to the public was made by Mr. Goursky, seconded by Mr. Schwinder, and carried.

Peter Jacullo

Stated that this project is a wonderful thing – there is a need for veteran housing and a need to protect the building.

Kevin Mayer – 236 Eagle Drive – Thanked the Board for looking into his requests. Stated that privacy is still an issue, and that he is not happy with the choice of arborvitae shrubbery. Welcomed the applicant and board members to his property to better see the site. Asked why the dumpster is not being moved into the center instead of closer to his property. Doesn't see drainage pipes for storm water runoff.

Mike Shear – 98 Emwood Drive – Asked if the use could be changed in the future. He was told no as per the deed restrictions. Stated that easy access dumpsters should be looked into for veterans and handicapped residents. Asked if there is anyone on the property to help the residences on a regular basis. He was told that the County will provide a daytime manager who will be available. Mr. Shear asked what materials will be used for the patios. He was told concrete. He suggested more attractive materials, something less institutional. He is in favor of fencing.

Gerald Ratner- 101 Emwood Drive –Spoke regarding the dumpster, drainage, and traffic due to the Armenian Home. Stated that the oil tank needs to be filled or removed. Asked if any consideration was given to pre-fab construction. This was researched.

Ken Hoffman – 61 Emwood Drive - Spoke regarding trees and shrubs and that a Tree Management Plan will be required for the Shade Tree Commission – 4 copies. Compliance is necessary.

John Biale – Director of the Housing Authority – spoke regarding lighting. There will be no spillover. All rear lighting will be shielded.

The public portion of the meeting was closed on a motion from Mr. Schwinder, seconded by Mr. Adams.

A site visit was set up with the neighbors in attendance. The Board Engineer and the Engineer for the applicant will also attend. Landscaping and topography will be looked at.

This matter will continue with no prejudice on the 16th of October.

Any Board Member/ Good and Welfare

None

A motion to open to the public was made by Mr. Goursky, seconded by Mr. Adams and carried by all. With no one wishing to be heard, the meeting was closed to the public on a motion from Mr. Goursky, seconded by Mr., Schwinder, and carried.

A motion to adjourn was made by Mr. Adams, seconded by Mr. Goursky, and carried.

Respectfully submitted,

Kathy Rizza, Secretary