



MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
SEPTEMBER 1, 2011

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, September 1, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Callagee 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 – Absent
Mr. Louis Lamatina – Present
Mr. Christopher Leins – Absent
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
Vice Chairman Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Richard Worthington – Absent
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Land Use Engineer – Present
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Joe Solimando – Absent – attendance not requested

MINUTES:

A motion was made to table approval of the minutes for the meeting held on July 21, 2011 by Councilwoman DiPaola, seconded by Mr. Todd, and carried.

CORRESPONDENCE:

- Memo from Sgt. Stephen Clark – dated 8/23/11 – Re: Home for the Armenian Aged
- Memo from Manfredonia Law Offices – dated 8/23/11 – Re: MSH Management LLC
- Memo from Silva & Alexander Avedis – dated 8/28/11 – Re: Home for the Armenian Aged
- Memo from Sgt. Richard Mottley – dated 8/20/11 – Re: Home for the Armenian Aged

VOUCHERS:

- \$3,000.00 – Boswell McClave Engineering – Re: Home for the Armenian Aged
- 1,050.00 – Boswell McClave Engineering – Re: Home for the Armenian Aged
- 750.00 – Boswell McClave Engineering – Re: Northern Valley Developers
- 300.00 – Boswell McClave Engineering – Re: Northern Valley Developers
- 450.00 – Boswell McClave Engineering – Re: H. Kesilyas
- 963.30 – Morrison Mahoney – Re: National Institute for People with Disabilities
- 20.79 – North Jersey Media – Re: Legal ad – 22 Clinton Street

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

WILLIAM DITTFIELD – 798 SOLIDER HILL ROAD – FENCE APPLICATION

Mr. Dittfield was present and submitted proof of notice, which was reviewed by Mr. Martin, and deemed sufficient. Applicant proposes to install a 4 foot, six inch fence in the side yard 12 feet from the curb located on Ross Avenue – current zoning provides that a fence along the side yard of a corner property shall not be more than 3 feet in height. Mr. Dittfield submitted a photo of the decorative fence, which will be brown in color and self closing.

A motion was made to open public session by Mr. Lamatina, seconded by Mrs. Ortiz, and carried, with no comments.

A motion was to close public session by Mr. Schwinder, seconded by Mr. Todd, and carried.

A motion was made to approve the application by Mr. Todd, seconded by Mr. Schwinder, and carried. Roll call vote as follows:

Mrs. Ortiz – yes
 Mr. Callagee – yes
 Mr. Lamatina – yes
 Councilwoman DiPaola – yes
 Mayor Colina – yes
 Mr. Schwinder – yes
 Mr. Todd – yes
 Chairman Orecchio – yes

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

HOME FOR THE ARMENIAN AGED – MAIN STREET – CONTINUED

Mr. Allen Bell was present and is representing the applicant. Councilwoman DiPaola excused herself from the dais, and the Secretary stated Mayor Colina listened to the CD recording of the last hearing, and signed an affidavit to that effect. Mr. Bell stated that since the last hearing, Mr. Sudacki has met with the Borough Engineer, and Mr. Joe Solimando of the DPW to address drainage issues, new location for the dumpster, a parking garage lot – to allow for a small cart to transfer garbage from the garage to the new dumpster area, and curbing along both sides of Clinton Street. Mr. Bell introduced to the Board and the public Mr. David Sudacki, engineer from Lapatka Associates, who was previously sworn in. Mr. Sudacki stated that based on the recent meeting with Borough officials, the applicant has agreed to enlarge the existing piping that goes across the property from 18 inches to 24 inches, will go to 30 inches if necessary, which will help an existing problem, along with a double catch basin and additional double inlets. Mr. Sudacki also stated the proposed dumpster will be relocated to the easterly side of the new parking lot – with masonry screening, wall, and gate. The new garage on the westerly side of the property is

for the storage of garbage and an ATV type vehicle, to transport garbage from the garage – along a new path – to the new dumpster location. Curbing will be installed on both sides of Clinton Street to make it a foot wider. The following were entered and marked as exhibits:

- A8 – Revised site plan – dumpster / garage, drainage, and paver pathway – dated 8/11/11
- A9 – Revised ground floor plan – dated 8/16/11
- A10 – Revised building elevations showing garage
- A11 – Photo of an ATV vehicle
- A12 – Police report from Sgt. Stephen Clark – dated 8/20/11
- A13 – Police report from Sgt. Richard Mottley – dated 8/23/11

At this time, Mr. Bell introduced to the Board and the public Mr. David Cozzarelli, architect from Bertone Cozzarelli, who was previously sworn in. Mr. Cozzarelli stated the small garage – 20 x 21, and 423 square feet, on the westerly side of the property – is basically the size of a 2 car garage and fits nicely into the site. We accomplished this by turning the turning one of the staircases in the building. The garage will have an overhead door, store debri, an ATV vehicle – to transport the garbage – and supplies.

Mr. Bell introduced to the Board and the public Mr. Matthew Russo, Administrator of the Home for the Armenian Aged, who was sworn in by Mr. Martin and accepted as a witness. Mr. Russo stated he has been employed by Home for 6 years, and is familiar with needs and supplies necessary to run the facility. Typical deliveries, by vans, tractor trailer – once a week – and box trucks - approximately 72 a week – consists of bread, medication, and food. With the proposed new construction, he is expecting 20 deliveries a week to the loading area – the largest truck being a 30 foot box truck. Deliveries will be less – deliveries that use to come on Broad Street – such as UPS and Federal Express – will come in to the new parking area, along with the mail. Mr. Russo showed a photo of an ATV style vehicle, which has multi functions – refuse transfer to the dumpster area, service other areas of the site, and for snow plowing. The ATV vehicle is a small utility vehicle, larger than a golf cart – 2 passenger seats, flatbed, with enough space to hold to 2 enclosed refuse containers, and we plan to transport multiple times a day. Mr. Russo also stated that in all the years working at the Home, he has only seen one rat, and is very happy with his exterminator. Right now we have one large tractor trailer a week, from Sysco Food Service, and they have agreed to use a smaller box truck – with the proposed new construction, we will have a much larger refrigeration system for storage.

At this time, Mr. Bell introduced to the Board and the public Mr. Brian Indindola, Director of Traffic, from Neglia Engineering, who was previously sworn in. Mr. Indindola stated he has reviewed the reports by Sgt. Clark and Sgt. Mottley, brings up an excellent point – box trucks would come down Broad Street, make a right on Clinton Street to enter the site, back into the loading area, then exit left or right onto Main Street, which has very good site lines – this has the least impact to the residences. Mr. Russo added it is very important to him that there are no tractor trailers deliveries onto the site. Mr. Indindola stated the designation of Clinton Street one way, is up to review by the Traffic Unit of the Police Department, and should be monitored by them.

Chairman Orecchio stated questions were brought up at the last meeting about the Home for the Armenian Aged not paying taxes, and there was an agreement in November of 2006, which was part of the zoning change. Mr. Bell stated the applicant is prepared to honor the agreement.

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

Richard Masciello – 156 Clinton Street – distributed photos and prepared a chart, which he reviewed; feels previous additions were constructed without an approval and illegal; many times the Fire Department has pumped out the building, all the water from storms – from various streets adjoining the area – are draining onto the Homes property; Clinton Street should not be

made one way – this would be an inconvenience to the taxpayers. Feels the rezoning of the property back in 2006 was spot zoning, which is illegal. Chairman Orecchio stated this Board the zoning of the property was not up to this Board, and is a Governing Body issue. Mr. Masciello stated he intends to go the next meeting of the Governing Body to discuss the zoning change. Mr. Bell stated there is a drainage issue in the area and the applicant has agreed to enlarge the piping. Mr. Masciello wanted it on the record we are not complaining about the quality of care at the Home.

Donald Picano – 68 Broad Street – questioned the ATV dumpster area – are we becoming a transfer station? If garbage falls off the ATV, who will pick up; referred to a recent article that appeared in a local paper about the contribution the Home previously agreed to.

Theresa Cannata – 132 Clinton Street – has serious issues with the proposed garage; showed photos of the current parking on Clinton Street, loading and delivery areas.

Andrew Lucchesi – 207 Park Avenue – approximately 4 ½ years we could not take care of my mother, we visited the Home, and were happy with the facility. If you ever need a place to have a family member cared for, this is the place – the facility needs to be updated.

Mary Berberian – 41 Broad Street – read from a prepared statement which addressed proximity, obstruction, noise, traffic, sanitation, flooding, home values, and is opposed to the development.

Kathryn Cornwell – 33 Broad Street – distributed photos, and requested the Board postpone any decision on the application; was not aware of any new changes to the plan; stated her concerns with garbage, traffic, and tree removal; referenced other facilities in neighboring towns that don't encroach on residential areas; read about a recent denial by the Montvale Planning Board on an application for townhouses. How would this approval benefit the town?

Anthony Barattia – 92 Broad Street – has seen the various expansions made on the Home's property; we have an interest in what goes on in our community; how about demolishing the existing facility, and relocate to another area to accommodate the size of the building; if the site is improved, it will be huge; concerned with buffer zones, and feels this is all about making money; would you like this size building next to your home; questioned the if the landscape plan complies with the zoning, and looks forward to an improvement, however, not as large as proposed; questioned the rezoning of the property, which Mr. Bell explained.

Ken Hoffman – 61 Emwood Drive – stated he was a member of the Council when the zoning ordinance was changed, and we did not take this lightly; we had concerns with the residential area, and the this was all done in public session on the Governing Body in 2 readings with all property owners notice. My concern now is the change in the plan – more impervious coverage, and has spoken to many residents about the recent heaving rains and flash floods, and is concerned with the run-off over the site and across Main Street – United Water should be consulted, and feels the original plan was better.

Karen Trainor – address inaudible – her father is a resident of the Home and supports the expansion.

Mary Anne Barattia – 92 Broad Street – would like to see the landscaping plan and area around dumpster, which Mr. Sudacki displayed.

Al Hickson – 30 Broad Street – currently 86 beds, with the increase to 120 beds and I feel there will still or more number of deliveries; my children walk to school from Broad to Clinton then to Main Street; questioned the sanitary sewers – Mr. Sudacki stated if any increase in sanitary flow, we file all the necessary applications with the State.

Lorraine Hickson – 30 Broad Street – stated her concerns with traffic and the 2 schools; employees of the Home currently speeding down Broad Street, without stopping for the

pedestrians of the community. Mr. Bell stated we plan to do a traffic study, but school is not yet in session.

Chairman Orecchio stated due to the late hour, the Board is not ready to make a decision.

Mr. Martin stated an associate from his firm here this evening to respond to any residents questions on tax exemption.

A motion was made to close public session by Mr. Schwinder, seconded by Mr. Lamatina, and carried.

After Board discussion, the following items need to be addressed for our next meeting:

- Employees would be entering and exiting off Main Street
- Access from Broad onto Clinton Streets
- Location of emergency generator and fueling
- Possibly moving the building so the loading section be closer to Main Street side
- Hydrology
- Impact on Borough infrastructure and services
- Traffic study

The application will be continued at our meeting of October 6, 2011. Mr. Bell thanked the Board for their time and consideration, and agreed to waive the time for review until that date.

MSH MANAGEMENT LLC – 45 EMERSON PLAZA EAST – REQUEST FOR AN EXTENSION

Chairman Orecchio stated we received a request to extend completion date for construction from the applicant's attorney, John Manfredonia. The Developer's Agreement requires completion before September 17, 2011, unless otherwise extended. The applicant had delays in obtaining financing, which is now in place, and would like an extension to September 17, 2012.

A motion was made to approve this extension by Mr. Lamatina, seconded by Mr. Todd, and carried. Roll call vote as follows:

Mrs. Ortiz – yes
 Mr. Callagee – yes
 Councilwoman DiPaola – yes
 Mr. Schwinder – yes
 Mayor Colina – yes
 Mr. Todd – yes
 Mr. Lamatina – yes
 Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting.

ANY BOARD MEMBER:

No comments at this time.

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 Mr. Lamatina, seconded by Mr. Todd, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilwoman DiPaola, seconded by Mrs. Ortiz, and carried.

Respectfully submitted,


Barbara Looney