

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
NOVEMBER 5, 2015**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:10 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.

**Pledge of Allegiance**

**Roll Call:**

|                                      |               |
|--------------------------------------|---------------|
| Robert Adams                         | Absent        |
| Thomas Callagee                      | Present       |
| Michael DeOrio                       | Absent        |
| John DeThomasis                      | Absent        |
| Gary Goursky                         | Present       |
| Louis Lamatina, Mayor                | Present       |
| Steven Malone                        | Present       |
| Germaine Ortiz                       | Present       |
| Norman Rieger                        | Absent        |
| Thomas Sudano                        | Present       |
| Vincent Tripodi, Councilman          | Present       |
| Gary Schwinder, Chairman             | Present       |
| Christopher Martin, MLUB Attorney    | Present       |
| Gary Ascolese, MLUB Engineer         | Present       |
| Bridgette Bogart, Borough Planner    | Present       |
| Michael Sartori, CCO/Zoning          | Not Requested |
| Joseph Solimando, DPW Superintendent | Not Requested |
| Robert Hoffmann, Borough Admin.      | Not Requested |
| Kristi Giambona, Secretary           | Present       |

**Vouchers:**

The following vouchers were approved on a motion from Mayor Lamatina, seconded by Mr. Callagee, and carried by all.

Gramco Business Communications – LUB portion - \$112.50  
NJ Planning Officials – LUB Class (4 members) - \$320.00  
Boswell Engineering – Armenian Home – \$8.76  
Boswell Engineering – Kuiken Bros. – \$79.00  
Boswell Engineering – Linden Ave. – \$237.00  
Boswell Engineering – Liberty Subaru - \$79.00  
Boswell Engineering – Spinella - \$158.00  
Boswell Engineering – Armenian Home - \$711.00  
Boswell Engineering – Armenian Home - \$2,541.00  
Boswell Engineering – Kinderkamack Properties - \$228.00  
Boswell Engineering – Emerson Golf Club - \$316.00

**Approval of Minutes:**

The minutes from the September 17, 2015 meeting were approved on a motion from Mr. Goursky, seconded by Mr. Tripodi, and carried by all.

**Correspondence:**

A statement was made by Chairman Schwinder:

“The Proposed 2015 Amendment to the Master Plan was presented to the Municipal Land Use Board by Borough Planner, Brigitte Bogart, at the meeting of August 13, 2015, followed by discussion. After discussion and suggested modifications were agreed, a motion was made and approved to send the Proposed 2015 Amendment to the Master Plan to the Mayor and Council for their consideration. Mayor Lamatina abstained. Councilman Tripodi was absent. The next step would be for the Board's attorney to prepare a resolution to be voted upon at the meeting of September 3. After the August 13<sup>th</sup> vote on the Amendment to the Master Plan, the balance of items on the Agenda was discussed. After the meeting, we noticed that the recording device was not operating during any part of the meeting, which meant we had no audio record of what transpired during the meeting of August 13.

At the meeting of September 3, I went on record to advise the board that we had no audio record of the August 13 meeting. It was at the September 3rd meeting that a motion to approve a resolution to send the 2015 Amendment to the Master Plan to the Mayor and Council was unanimously approved.

It troubled me that we had no audio record of the August 13 meeting. And when I heard that there were residents who raised concerns about the Proposed Amendment to the Master Plan at a Mayor and Council meeting, I consulted with the Board Attorney about rescinding the vote that authorized the Resolution to be prepared. By rescinding the vote, we could have our Borough Planner re-present the Proposed 2015 Amendment to the Master Plan to the board so we would have a complete audio record of the proceedings and the public could be heard on this issue. The Board Attorney concurred.

So based on my decision, and at my urging I will entertain a motion tonight from this Board to rescind the August 13<sup>th</sup> vote authorizing the preparation of a resolution to move the Amendment forward to the Mayor and Council.

If such a motion does follow, and it is approved, our Borough Planner, Brigitte Bogart, is here this evening and is prepared to re-present the Proposed 2015 Amendment to the Master Plan.”

**A rescindment of the Master Plan Amendment vote from the August 3, 2015 meeting was approved on a motion from Mr. Goursky, seconded by Mr. Callagee, and carried by all.**

Ms. Brigitte Bogart presented notice requirements to Mr. Martin, LUB Attorney, and all was found to be satisfactory.

Mr. Doug Doyle, substitute for Borough Attorney Wendy Rubinstein was present from the DeCotiis, FitzPatrick and Cole Law Firm. He was asked to be present to provide guidance to the Mayor with respect to issues that presented themselves.

Mr. Martin asked Mr. Doyle if the Mayor could participate in the meeting.

Mr. Doyle responded that the Mayor had the right and duty to participate in a vote under the municipal land use law. Mr. Doyle explained that he had done research and could say with absolute certainty that the Mayor had no vested interest in the previous vote. He noted that the Mayor had once represented many years ago a party that

did have a vested interest in one of the properties in the Master Plan. Mr. Doyle continued to say that it does not preclude the Mayor to be a part of an overlay plan for the town. Having said that he felt it was solely the decision of the Mayor to recuse himself from the vote to assure the voters that he is always acting with the best interests of the town.

Mr. Martin explained that one individual element of the proposed Amendment couldn't be separated out, as the Master Plan was an overlay of the town plan as a whole. There cannot be separate votes on different aspects of the plan.

Mayor Lamatina explained that he did not see that members of the Mayor and council could not vote as a conflict issue. The Mayor chose on his own accord not to participate in the discussion of the Master Plan and recused himself from the meeting.

Mr. Doyle stated that the law only recommends that you step down from the dais due to his prior representation of the golf course many years ago, but he was welcome to stay and sit with the public as a tax-paying citizen. As far as the land use law reads, the Mayor and the town council members do have the right to vote.

A member of the public asked, "What is the case law on this?"

Mr. Doyle answered that it was privileged information between client and attorney and was not subject to be revealed to the public.

**Presentation of the Master Plan Amendment given by Ms. Brigitte Bogart of Bogart Planning & Design Professionals:**

Ms. Bogart shared with the public her credentials and background with the borough of Emerson dating back to 2001. She shared a brief timeline of events leading up to her creation of the 2015 Amendment to the Master Plan. Ms. Bogart explained that in 2002 an affordable housing plan was submitted by the borough that was objected to by a developer, which resulted in a lawsuit against the borough. As result of the settlement the borough decided that there would be an overlay zone over the entire borough. That 20% of any new multi-family housing

built in the borough would be deemed affordable housing. That still holds true today and we really don't have a say in that decision due to this outcome. Ms. Bogart reiterated the fact that this was a decision made by the court. She explained the repercussions of this case was the following:

1. A developer can come into Emerson and build a multi-family development wherever they wanted as long as the development included the 20% of affordable housing.
2. With the re-development of the downtown, it has become difficult to develop due to all new development needing the affordable housing. All of the developers that have been spoken to say that they cannot buy the land, re-develop it, create new stores and streetscapes, while still providing affordable housing. This does not make economic sense to the developers.

In March of 2015 the courts had suggested that the borough file a declaratory judgment. If we didn't file it we would be subject to another lawsuit. Based on this decision I was invited by the Mayor and council in June to discuss what we could do. From a planning perspective, it is not appropriate to build multi-family housing in single-family neighborhoods. I suggested to the Mayor and council to take a proactive approach and build a Master Plan Amendment to state where Emerson wants the multi-family and affordable housing built. In August we filed the judgment discussing these items. We also looked into some of the existing group homes to try and reduce our number of obligations of affordable housing. At this point we felt it was necessary to do a Master Plan Amendment so we had control over future development. There were many issues for the Land Use Board regarding commercial development with signage, lighting, parking and other retail development issues. The suggestion was to create this plan to cover all of these issues in a 4-5 page document. Together we worked through 3 or 4 documents and in August we came up with a final document. This was the document that was presented to the Land Use Board in September. Therefore, I would like to explain the document and where we are headed. Ms. Bogart then asked for any questions or comments from the public.

Stella Fullam of 72 Jefferson Avenue: Is the state requiring that we put in affordable housing period, or only if we put in multi-family dwellings?

Ms. Bogart: Is the state Mount Laurel obligation requiring the borough to provide affordable housing throughout the borough? The answer is yes. But it can be done in a number of manners and they have different regulations about how you can do that, you can rehab existing units, build group homes, build new units, deed restrict old units. There are many ways you can get this accomplished. What happened was that the borough of Emerson did not prepare to have these obligations met. This is why the borough gave in to the 20% affordable housing agreement to avoid the lawsuit. Since 2008 we have a third round obligation that needs to be met as well.

Mr. Martin: The fear is that a developer comes in and buys up homes in any neighborhood and then they add multi-family housing wherever they want. This is an opportunity to make a plan without the courts making decisions for us.

Stella Fullam: I believe you are here to serve the residents. So you should want to help us and know what our desires are, not rezone large sections of our town.

Danielle DiPaolo: I feel your intentions are good I just think the people in the audience would like input on the process. The thing we are concerned with is the scare tactic that is being used; nobody has determined numbers.

Ms. Bogart: The reason we got here is because the governing body and this board believes that it is more important for the borough to have control over where development exists as opposed to some court in Hackensack or some developer. Right now on the books a developer can come in anywhere and build affordable housing and that is their right. That is because we did not meet the 2<sup>nd</sup> round obligations as a result of the lawsuit. This is on file in the Borough Clerk's office.

Ms. Bogart: The Municipal Land Use Law gives the municipalities the right to zone, to have a board, and the power to create a plan. The only way this can be done is by creating a Land Use Plan. This allows for

goals and objectives for the municipality and to create a housing plan. The only reason for the Master Plan document is that you want to make sure that your zoning regulations are appropriate. The document is a very generic planning document only. It very generically says that these are the areas we want to talk about. This 5 page document identifies these areas. It is up to this board to decide whether these areas are appropriate to talk about. This is the first step. The second step is for the court to decide if they are going to adopt this document or adopt it with revisions. The next step is for them to recommend zoning ordinances to the governing body. Once the governing body goes through it, they have the land use board go through it to create zoning ordinances and to identify density, height, side yard setbacks and buffers. Then they will come up with ordinances and there will be a public hearing. Then the governing body will have a public hearing on it. Overall each board will have to review it 3 times each and have public hearings. It is a long planning process. Once this document passes, it just means the board approves these ideas. At that point a planning analysis would be done.

Ms. Bogart reviews the document specifics with the public:

The document we are looking at today is dated September 14, 2015. The public hearing was in August, but there were some minor revisions that had to be made. Therefore the intent was to send the September 14<sup>th</sup> document to the county for final approval. Once we found out the recording was not working properly, we wanted to do the hearing again so I am just resubmitting the September 14<sup>th</sup> document.

There are 6 issues that we wanted to address. The reason for this whole document is affordable housing. The first part of the document on page 2 refers to the 2002 affordable housing plan and identifies the court decision and it talks about the official objectors of the plan. The plan identified the 25 units that were fulfilled, however there were a number of units that the borough could not fulfill. At that point in time we were subject to litigation. After reviewing the documents that had been submitted to COAH and the courts from 2002 until today, we have identified a number of group homes and assisted living facilities that we could potentially get affordable housing credit for. We have been actively pursuing this in order to reduce our need to provide additional

units. However we do still need to provide additional units, so the rest of this plan goes into how we can potentially provide these additional units.

The second portion of the document on page 3 talks about Linwood Avenue. The basis for this recommendation goes back to 2007 in a reexamination report which it encourages the preparation of the downtown plan to address areas adjacent to NJ Transit. Since the adoption of the plan we have had a number of redevelopment plans for the Central Business District (CBD) and this board has had many discussions about the Linwood Avenue area, this site here and the church to the north; looking to redevelop it to enhance the CBD. One of issues of the redevelopment of the CBD for years has been the depth of the lots on the east side of Kinderkamack. With this opportunity we may be able to create normal storefronts on Kinderkamack, parking spaces, provide multi-family housing adjacent to the train station as well as meet some of our affordable housing obligations that would have low impact to our single family residences.

Part 3 is self-explanatory; it simply states that in 1988 a Planned Commercial Development (PCD) Zone was created. The 2007 Reexamination report explains that this zone no longer exists and the site is held for Open Space Conservation, therefore the PCD distinction should be removed, which is a simple ordinance change.

Part 4 goes into retail issues. There have been a number of cases that have come before this board through the building construction official dealing with current signage, lighting regulations, convenience windows and all issues that deal with current retail trends. Unfortunately the zoning ordinances have not been brought up to date to meet these trends. We need to look at all of these issues if we want to make sure that our zoning ordinances are consistent with retail trends, so we are taking care of the empty storefronts on Kinderkamack Road.

Section 5 of the document deals with the Emerson Golf Course. The zoning that currently applies does not give any guidance. It permits hospitals and all kinds of inappropriate things for residential neighborhoods. We need to come up with a plan for this property; it sits between residential homes and it backs up to a golf course. The plan

was to identify it as an issue that we needed to discuss. What would everyone want to see in this space, before a developer gets there? The reasons mentioned are so there is control of what happens and the details would come later on.

Lastly, section 6 of the document is the Industrial/Manufacturing (IM) district. The 2002 plan required the Verizon property to be rezoned for affordable housing. Since Kuiken Brothers lumber yard took this over, we now need to find another space for that. We are potentially looking at the site slightly north of Bland Street, which may be more appropriate.

These are the 6 issues we are trying to address from a very generic comprehensive perspective.

Ms. Bogart's presentation of the 2015 Master Plan Amendment document was now complete and Chairman Schwinder asked if there were any questions or comments from the board.

Mr. Goursky asked: Are we not able to specify more in these 6 plans? For example, not single family homes and just multi family homes, or not commercial areas and just residential? Or is that premature?

Ms. Bogart responded: You can do whatever you want but I do not recommend that, because it is premature. We need to look at what's happening before we specify anything. Otherwise, if we do an analysis and determine there are changes, you would have to go back and amend this document before there are any zoning regulations.

Mr. Goursky asked: Can we amend any one of these six points at this time?

Ms. Bogart responded: Yes.

Mr. Schwinder requested that Ms. Bogart explain what the term "transit village" meant to Emerson or to the state.

Ms. Bogart explained that the term "transit village" is very specific to the state. A municipality must go through a long process to get that

designation. You would get put to the head of the line for any state permitting or state grants.

Mr. Schwinder asked what exactly does a municipality have to do to get the designation?

Ms. Bogart stated that the municipality would have to designate bus stops and the train station. You would also have to prove that around your transit village you are going to have mixed-use buildings, multi-family housing, provide bike racks, reduce parking requirements and possibly create sidewalks that are more walkable. Basically, all of the issues that Emerson has talked about in their CBD for years.

Mr. Schwinder asked if Ms. Bogart knew of any other towns in the area that have received this designation and how they have benefited from it?

Ms. Bogart replied that she is the planner for the Borough of Park Ridge and it just got designated. Park Ridge applied under the DOT grants for transit village designation street improvements, which included flashing signs for pedestrians, new street crosswalks, wider sidewalks, tree grades and ADA improvements. If you are looking at the downtown improvement projects in Emerson, you have a lot of grant opportunity.

Mr. Schwinder stated: One of the things that have benefitted Emerson in the recent years is that the NJ Transit has designated the Pascack Valley line as an all-day service including weekends. This has made Emerson a more attractive place to live for people who commute into Manhattan. This Master Plan is a general outline for Emerson for the future and is in the preliminary stages. Most of our neighboring towns with train stations have multi-family housing in very close proximity to the train stations. The state is encouraging multi-family housing near by transportation and are giving priority to towns that follow a transit village mentality. Although once again, we have not formalized anything and this is just a preliminary document and is only laying the groundwork for future thinking and planning.

Mr. Goursky asked Ms. Bogart: You said 20% is to be set aside for affordable housing, what percentage do we have now?

Ms. Bogart responded: That is what we have now. Based upon the court order in 2002 the municipality agreed to a 20% set aside for all new multi-family developments throughout the entire borough.

Mr. Goursky: So we haven't met any percentage of the 20 yet as of this point?

Ms. Bogart: What I am looking back at now is some of the group homes that were previously approved that we did not get credit for, which includes about a total of 33 units. Fair share says we owe about 400 units, but the more realistic estimate is probably around 115. Which we can completely address in the downtown and potentially in some of these areas.

Mr. Goursky: So there could be other areas besides what you are recommending here?

Ms. Bogart: There could be, but these are the areas that were discussed amongst the Mayor and council and in previous planning documents as the areas that were recommended.

Ms. Bogart stated that the borough needed to present a plan in December, therefore this document was written as opposed to having no plan in place at all.

Mr. Schwinder addressed the public regarding the signage issue. Emerson's ordinances do not have the capability to deal with some of the new types of retail signage out there in today's day and age. As a result, the construction official has been issuing citations to businesses with questionable signage. Emerson needs to protect itself and rewrite some of the lighting ordinances to reflect the new technology, yet not allow the town to be lit up like a fireworks display.

Mr. Goursky mentioned the drive-thru situation and changing the borough ordinance for that. He asked: If that were to be enacted will the applicants still have to come in front of this board for approval; based upon the location and situation?

Ms. Bogart answered: Yes, this goes back to the Chairman's comments about trying to keep up with current retail trends and encouraging retail development.

**The meeting's public session was opened to the public** on a motion from Mr. Goursky, seconded by Mrs. Ortiz and carried by all.

Cathy Hornyak of 123 Palisade Avenue: Our concern is the COAH is being used as a scare tactic. The fair share housing that came up with the number of 400; there are a number of municipalities getting together to fight that. I have the recording of the September 16<sup>th</sup> meeting and in that I know it was brought up that we were called the zone of exclusionary bastion.... which was true in 2002. But since then in 2006 there were a number of things that were done to meet what the courts said our needs were. One of them was the 8-bedroom home off of Hasbrouck behind the train station and the other was the group home on Clinton Street.

Ms. Bogart responded: Yes, those were the things that we did get credit for and now we are looking to get credit for the things that we did not previously get credit for.

Cathy Hornyak: You had said before that not until the 2<sup>nd</sup> or 3<sup>rd</sup> round of this process would numbers be talked about with the Mayor and Council. I know that numbers were talked about because I have emails that the Mayor asked for numbers on 99 Palisade Avenue and on Linwood, because he needed the numbers for someone who is a developer.

Ms. Bogart: I am sure if you have those emails, then you have my response emails that say this is not the appropriate time to discuss numbers, that we are talking in generalities. That Master Plan documents are very conceptual in nature and that density and numbers come later on in the process.

Cathy Hornyak: Once you send this document to the Mayor and council then the onus is on them to say what they want to see in each of the areas?

Ms. Bogart: Not necessarily, this board has the right to recommend what they would like to see. If the governing body recommends something they would like to see developed, they have to send it here to be reviewed.

Cathy Hornyak: I am hoping that they do their due diligence. There were discussions on the crazy uses allowed at 99 Palisade Avenue. One of the uses is single family homes which are not a crazy use.

Ms. Bogart: However we have to get rid of the hospital and some of the other crazy uses that are in the ordinance.

Cathy Hornyak: It is the zoning of the property that is saving people from these things happening. I understand people can sue for any reason. To say that we need to change the zoning because it is silly or crazy, it's single family and I think that is what belongs there.

Ms. Bogart: I am not suggesting that single family is not appropriate there, but I am suggesting that other things may also be appropriate there. Maybe two-family or townhouses, but we will not know that until we do an analysis. I do know that hospitals and garden apartments are not appropriate due to them being too dense. The proactive approach is for this board to establish the goals and objectives of this property.

Cathy Hornyak: This is a question for Mr. Martin, If you re-zone one OSC zone or change the use under the OSC zone to multi-family or townhouses, does it apply to other OSC zones or would you do it just to one spot?

Mr. Martin: This determination on the Master Plan is not really a zoning issue, it is a planning issue so we are not really talking about zoning in regard to this document. I say that if there is open space designated in one area it doesn't cover all of the other areas that could be open space.

Cathy Hornyak: So a builder could not come in and say, well you are letting them do it here, why can't we do it there?

Ms. Bogart: Every situation stands on it's own and that is the basis of the document. We cannot take the overall downtown and say something is appropriate; we have to break down the areas.

Mr. Martin: They can't be voted on separately, it has to be one overlay plan or you're facing a potential spot zoning issue as to a specific targeted area, then that is improper. So if this board chooses to not approve this plan at all, then fine. If they approve it entirely, fine. If they want to amend it with 4 out of 6 issues included, it is one amendment. It is enabling a preliminary document.

Cathy Hornyak: Can we have a survey or some sort of focus group to have input from the residents?

Ms. Bogart: Maybe at the next step when we are doing zoning ordinances that would be appropriate.

Mr. Martin: For Palisades Avenue, if the applicant comes forward then the borough would have to see if what the applicant wants works for that area.

Carol Hoernlein 216 Ackerman Avenue: I am a licensed engineer and I have been doing site plans and drainage designs in northern Bergen County for 15 years. I have designed 7-11's, Dunkin Donuts and commercial sites and I also did the design for the Veterans' Home. I have looked over the designs for amendment and I have some comments:

I am all for changing the Emerson Woods to open space.

The affordable housing zone, I noticed that Block 423, Lot 1 is currently the Town Hall and I was curious why that was included on the list.

There are 4 things that really determine the appearance of a commercial downtown. One is the height restriction. As far as set backs go, most drive thru corporate designers like to have a building set too far back from the main sidewalk, as far as I have found. This makes a downtown less walk able and pedestrian friendly.

When it comes to signage, I feel the Emerson signs are to scale for the town as compared to most other municipalities. Less than 25 square feet is pretty common. Comparing Emerson to Paramus in terms of lighting and signage is not realistic or desirable. Paramus is a highway zone, not a transit village on par with Montvale, Oradell and Ridgewood like Emerson would like to be.

For lighting the standard streetscape lighting used all over Bergen County is 100 watts, not 250 watts. The trend is not for not bigger and brighter but for subdued and less obnoxious.

I have designed for 7-11's and Dunkin Donuts and the corporate designers they have on staff are used to designing for cookie cutter style highway designs. However, they know that every town is different and these companies will abide by whatever ordinance a town desires, their design teams are ready to customize it. They will not, not build in a town simply due to lighting and signage requirements. They will build if there are customers here and wherever there is a train stop, there will be coffee. I believe these big corporations will make their buildings to accommodate the town ordinances.

Ken Hoffman 61 Emwood Drive: I have a question in regard to the zoning of the Old Hook Farm property. I know we have the waterway in the back, the Pascack Brook, but I am curious as to why there is no consideration given to that property. According to what I understand, the present owner there is the last generation.

Ms. Bogart: I had a conversation with the present owner and he has no desire to do any development and actually wants to go for farmland preservation.

Ken Hoffman: Then my question would be could anyone prevent you from rezoning a piece of property of that owner doesn't want to have it re-zoned?

Ms. Bogart: As with any rezoning, it goes to the Mayor and Council and then it has a public hearing process and any property owner has the right to present their own case and possibly take it to court.

Ken Hoffman: I would think that is a place to look at that is more appropriate for multi-family housing.

Brian Todd 207 Palisade Avenue: My suggestion would be to add an amendment number 7 to consider the Marrick Farm. With many farms closing such as Derricole's in Norwood, DeAngelo's in Dumont and DePiero's in Montvale all closing, as much as everyone loves these farms, they are just not sustainable.

Ms. Bogart: That makes sense as far as looking into this further, although I do not think it is necessary to put into this document. In fact I would suggest not putting it in at this time. If we go to the courts and say that it is included and they go back and say that in 2002 this guy said he was not providing affordable housing and why are you including it now, it doesn't make sense. He sighted the Right to Farm Act and in 2002 they already went through this analysis and it has some history and was subject to a prior settlement. I would not suggest we do that in a Master Plan document.

Katherine Viola 139 Linwood Avenue: I had a question regarding the 20%. You said that the state says we have to provide this affordable housing, yet if we build this new multi-family structure there is no guarantee that you get to live there as affordable housing, that they can put you somewhere else? On social media the Mayor said that this would benefit our seniors staying in town and our children coming home from college staying in this town. Am I correct with this?

Ms. Bogart: We are trying to be pro-active and make sure that everything is integrated and built in the appropriate place.

Corey Malillo 18 Vivian Avenue: What I worry about, as a resident is traffic in the area. At 20% of the amount of housing built, how is that going to effect traffic and our children walking places and parents driving kids to school?

Ms. Bogart: That is the next step of everything we have to look at.

Danielle DiPaolo 93 Union Street: Is it true you are getting specific direction from the Mayor about the Master Plan?

Ms. Bogart: As far as what?

Danielle DiPaolo: As far as these emails.... (email correspondence read aloud by DiPaolo). Were you and the Mayor going back and forth making revisions?

Ms. Bogart: It looks like you have probably a quarter of the emails there and you do not have my responses. You need to have the whole picture there.

Danielle DiPaolo: I want to believe you are being pro-active and pure but it seems to me the Mayor has an awful lot of input and has the ability to make revisions on the overall Master Plan.

Ms. Bogart: Again, this document is just a generic planning document with no specifics. Anything further would be a full planning analysis with the Land Use Board, which has not been done yet.

Joe Hornyak 123 Palisade Avenue: I live east of Kinderkamack and we are concerned about traffic, congestions and traffic patterns. Does the Master plan have any impact on that?

Ms. Bogart: With regard to traffic page 5 #5 section on the golf course, the last sentence states: A more detailed view of traffic and buffer impacts should be completed to determine the appropriate density for this type of development.

Joe Hornyak: The residents and myself are trying to be preemptive with safety and traffic.

Ms. Bogart: We can add additional language addressing traffic circulations and patterns to try to address your concerns. This will ensure it is reviewed and a zoning ordinance is written with those concerns in mind.

Joe Hornyak: My question is there a discussion between the County, the town, the board members and the residents about the hazard at the end of East Palisade. The intersection is dangerous and I feel we are

compounding the matter if multi-family dwellings are added which will increase traffic flow to a very sensitive area.

Chairman Schwinder asked borough engineer, Gary Ascolese if he could explain what the traffic pattern would be at the intersection of Kinderkamack, Emerson Plaza East, Linwood and Ackerman.

Mr. Ascolese responded that Kinderkamack Road and Linwood Avenue would be a signalized intersection. The eastbound traffic coming from the west approach, so the traffic going over the tracks going east will be eliminated. Westbound Linwood Avenue traffic coming off of Kinderkamack Road will have 2 entering lanes coming into the intersection and pedestrians will be crossing with the actuated device that will be installed. At Kinderkamack and Ackerman that would be a signalized intersection, as well as Kinderkamack and Lincoln Boulevard. The display had been downstairs in town hall for a number of years. Those plans have been finalized and were recently submitted the plan to NJ Transit and the NJ Department of Transportation. We feel that these improvements will help ease the traffic westbound on Linwood Avenue. The people coming out of Emerson Plaza East, because of the proximity to the NJ Transit rail crossing and the oblique angle; the NJ Department of Transportation required an island to be placed there so a car could not come in on an angle when the gates were down. The signals going in are going to be traffic responsive; they are going to extend out to the time needed to pass the volumes.

Chairman Schwinder asked if a left turn from Emerson Plaza East southbound no longer going to be allowed?

Mr. Ascolese responded that he believes it would be because once the railroad crossing upgrades to 4 lanes wide and with the proximity to the gates, the Department of Transportation was concerned someone would make a left turn into that gap, which is why they are requiring an island to prevent that.

Robert Obinauer 161 Kinderkamack Road and 101 Linwood Avenue: I would like to clarify a few things. It was said that I plan to sell parts of my properties. I do not plan to do anything with either property until the roadwork on Kinderkamack Road is completed so I can see how it

affects the traffic flow into the property as well as exiting the property. I currently have final approval from the borough of Emerson as well as Bergen County to build a 7-11 on my property on Kinderkamack Road. With the widening of Kinderkamack Road it is going to make my properties much smaller. This was the reason I purchased 101 Linwood, so I was able to reposition any convenience store that might be built. My plan is just to build a one-story convenience store with no apartments above it.

Cathy Hornyak: Presented pictures to the board to go into record of the traffic on Palisade and down Union.

**The public portion was closed** on a motion from Mr. Goursky, seconded by Mr. Tripodi, and carried by all.

Councilman Tripodi: My concern is with provision #2 and I would like to put a hold on adding multi-family housing anywhere other than the Central Business District area. I would like to see what happens with the Central Business District first and see what it will bring first as far as the number of units. I would hope that this board would consider eliminating this from the amendment for now.

Ms. Bogart: Perhaps we can modify the language in the 3<sup>rd</sup> and 4<sup>th</sup> paragraphs of section #2 of the document. I do not feel any other area of the borough will be developed before the Central Business District.

Councilman Tripodi: I would like to see provision #2 off of this document all together at this time.

Chairman Schwinder asked Ms. Bogart if the document the way it is written now protects the borough from any intent by a developer to grab properties and build what they feel they can get away with in the courts?

Mr. Martin: That is not a question Ms. Bogart can answer. It is part of a process that the court will be looking into and the document is a tool to try and prevent that from happening.

Mr. Sudano: Would this document have to be re-drafted and re-presented?

Ms. Bogart: It is not necessary to have additional public hearings, as long as we agree on the modifications.

Mr. Tripodi: There will be a full re-examination of the Master Plan in 2017. Therefore my opinion is that #2 should be off of this document.

Mr. Martin read aloud for the record correspondence from former Police Chief Michael Saudino regarding traffic patterns in the borough.

A motion from Mr. Tripodi was made to approve the 2015 Master Plan Amendment dated September 14, 2015 with the elimination of provision #2 as amended, seconded by Mr. Goursky, and carried by roll call vote as follows:

|                    |     |
|--------------------|-----|
| Mr. Callagee       | Yes |
| Mr. Goursky        | Yes |
| Mr. Malone         | Yes |
| Mrs. Ortiz         | Yes |
| Mr. Sudano         | Yes |
| Mr. Tripodi        | Yes |
| Chairman Schwinder | Yes |

The resolution will be published as required, distributed and kept on file at Borough Hall.

**The meeting's public session was opened to the public.** As there was no further public comment, **the public portion was closed.**

**A motion to adjourn** was made by Mr. Goursky, seconded by Mr. Callagee, and carried by all.

Meeting adjourned at 10:52.

Respectfully submitted,

Kristi Giambona, Secretary