



**MUNICIPAL LAND USE BOARD**  
**EMERSON, NEW JERSEY**  
**JULY 21, 2011**

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, July 21, 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 – left at 8:45 pm – due to Library Board meeting  
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 – Present  
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 approve of the minutes for the meeting held on May 19, 2011, as amended, by Mr. Todd, seconded by Councilwoman DiPaola, and carried.

**CORRESPONDENCE:**

- Memo from Sgt. Stephen Clark – dated 6/19/11 – Re: Home for the Armenian Aged
- Memo from Boswell McClave Engineering – dated 7/7/11 – Re: Home for the Armenian Aged
- Memo from Boswell McClave Engineering – dated 7/5/11 – Re: Northern Valley Developers
- Memo from Sgt. Richard Mottley – dated 7/19/11 – Re: Home for the Armenian Aged

**VOUCHERS:**

- \$ 750.00 – Boswell McClave Engineering – Re: Northern Valley Developers
- 675.00 – Boswell McClave Engineering – Re: Onik & Ripsik
- 300.00 – Boswell McClave Engineering – Re: BMAI, LLC
- 150.00 – Boswell McClave Engineering – Re: Van Buren LLC
- 50.16 – Morrison Mahoney – Re: BMAI, LLC
- 1000.00 – Morrison Mahoney – Re: 2<sup>nd</sup> quarter retainer
- 1000.00 – Morrison Mahoney – Re: 3<sup>rd</sup> quarter retainer
- 288.14 – Morrison Mahoney – Re: National Institute for People with Disabilities
- 199.55 – Morrison Mahoney – Re: National Institute for People with Disabilities
- 550.00 – Morrison Mahoney – Re: Northern Valley Developers

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

**HOME FOR THE ARMENIAN AGED – MAIN STREET – NEW APPLICATION**

Mr. Allen Bell was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed sufficient by Mr. Martin. Councilwoman DiPaola excused herself from the dais. Mr. Bell stated we are here this evening for an amended site plan approval. Since our last appearance, the State had some concern with the demolition of the existing building, while constructing the new building, with temporary electric and heating, while the residents were onsite. We tried to get other temporary sites to locate the residents during the course of construction, such as the old Pascack Valley Hospital, but we were unsuccessful. This amended site plans shows the applicant moving the building to the westerly side of the property, virtually "flipping the prior approval" and scaling down the number of beds from 160 to 120. Mr. Bell introduced to the Board and the public Mr. Andy Torigian, President and Chairman of the Board, which is a non-profit nursing care / sub acute facility. Mr. Torigian was sworn in by Mr. Martin and accepted as a witness. Mr. Torigian gave a brief description of how the home came into existence, as time went on, the Home kept growing in bits and pieces, and is now open to all nationalities. Board members of the Home are all volunteers and our main job is to raise funds, and we are in a better position to serve the public and the Borough of Emerson. We started out in June of 1938 with 12 beds and are now up to 86, the current building is has constant leaks, is inefficient, not ADA approved. In order to operate this facility, we are required to have a Certificate of Need; accept Medicare, Medicaid, and those who can afford to pay. We currently have 65 full time and 35 part time employees who work in 3 shifts. Mr. Torigian stated we looked into shifting patients to another location during construction, however, no one wanted to rent, and the lenders were not happy with keeping the residents onsite during construction. We also approached the Berberian family, on the corner of Broad and Clinton, to purchase their property, but they advised us they were not interested.

At this time, Mr. Bell introduced to the Board and the public Mr. David Sudacki, Civil Engineer from Lapatka Associates. Mr. Sudacki gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. The following were marked and entered as Exhibits:

- A1 – Site plan – 6 pages
- A2 – Previous site plan – approved in July 2008
- A3 – Architectural drawings – 1<sup>st</sup> floor
- A4 – Architectural drawings – 2<sup>nd</sup> floor
- A5 – Basement floor plan
- A6 – Elevations
- A7 – Colored renderings

Mr. Sudacki stated he prepared the site plan; the existing property is 3.52 acres, in the R 7.5 zone, with a nursing home as a Conditional Use. The applicant proposes to construct a new building on the westerly portion of the site. Mr. Sudacki reviewed the prior approval, and stated

the new proposal consists of a new building 2 ½ stories in height – 30,121 in square footage – open space will now be on the easterly portion of the property. Prior approval was for 36,821 in square footage, with 160. The parking area has been relocated to the eastern portion of the site. Required parking for 120 beds is 70 parking spaces; however, parking will be increased to 102 parking spaces, with the potential up to 128 parking spaces. Mr. Sudacki reviewed the topography of the land, slopes from north to south, and the western portion is pretty level. We are proposing to replace the existing 15 inch pipe that runs from Broad to Main Street, to a 24 inch pipe, all across the property, for drainage. In addition, a storm drain detention system will be installed onsite – which will cross Main Street – along with a water quality system. We are also proposing a brick paver walk and lighting to be in compliance with the Borough of Emerson's Redevelopment Plan. Mr. Bell questioned Mr. Sudacki with regard to soil movement – Mr. Sudacki stated the total cut would be 6,949 cubic yards, with a fill of 8,759 for a total net import of 1,890 net cubic yard import. The driveway on Broad Street has been proposed to be for emergency vehicles only – Main Street will be the main entrance to the site. A one way right turn onto Clinton off Main Street – for deliveries and trash removal – with an exit onto Clinton Street – Mr. Bell stated deliveries are approximately 10 per day, and we are proposing screening. Mr. Sudacki reviewed the zoning table on the amended site plan, proposed landscape plan, and stated this application meets all the requirements of a nursing home in the zone, with no variances required.

Mr. Bell introduced to the Board and the public Mr. Brian Intindola, Director of Traffic, for Neglia Engineering. Mr. Intindola gave his credentials, was sworn in by Mr. Martin, and accepted as a witness. Mr. Intindola stated he evaluated the application from a traffic standpoint – the neighborhood streets are not so broad. Clinton Street was recently repaved and has no curbs. Emergency vehicle ingress / egress will be off Broad Street. Mr. Intindola feels deliveries can be made to the proposed location – different food delivery companies use various sizes of vehicles, and we recommend no tractor trailers, and no on street parking on Clinton Street, if approved. Most employees use mass transit or carpool with other workers, and the busiest traffic would be between the change of shift around 2:50 pm. Mr. Intindola further stated he feels the design is safe and efficient for the site. Mr. Todd stated his concerns with a tractor trailer entering the service entrance and possibly backing out onto Main Street. Mr. Schwinder stated he would like to see a designated left turn lane into the site going eastbound, or possibly moving the entrance from Main Street further west. Mr. Intindola stated moving the driveway further west would cause interference with nearby Union and Clinton Streets, and stated the plan previously approved, showed the driveway further east on Main Street.

At this time, Mr. Bell introduced to the Board and the public Mr. Robert Cozzarelli, Architect from the firm of Bertone Cozzarelli, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Cozzarelli stated he prepared the plans submitted and has designed other nursing facilities, the first floor will consist of 27,763 square feet – to include 9 single bedrooms and 19 two bedrooms. Second floor will consist of 28,327 square feet – 2 single bed rooms and 22 two bedrooms, various storage areas, and a chapel. One of our main goals is to retain a large amount of green space along the easterly site of the property. The facility will be ADA compliant and fully sprinkled – our staff took great care in designing this facility. The basement will consist of the kitchen facilities, maintenance equipment, housekeeping supplies, electrical / meter room, housekeeping, and general storage. The first floor will have a gift shop, an administrative wing, dining / recreation areas, and physical therapy areas. Mr. Cozzarelli further stated the façade of the building will give a townhouse appearance – brick veneer with siding for low maintenance – colors will be earthtones to blend with the residential homes. The driveway entrance will have a porte-cochere, which is required under State law, to protect the patients. Mr. Orecchio questioned the placement of the generator – Mr. Cozzarelli stated it is off the main entrance. Mr. Orecchio stated his concerns with the placement and delivery of fuel or the placement of the remote tank.

A motion was made to open public session by Mr. Lamatina, seconded by Mrs. Ortiz, and carried.

Theresa Cannata – 132 Clinton Street – very small street, close to the school, and we have massive traffic due to High Street going south, when school is open – there is no room for trucks. Concerned with the dumpster in front of her home; been warned about parking on the street by an Official. What about us? We pay taxes, and I'm not going to tolerate this and it's not fair. If this approved, I will do whatever to stop it. (Some parts of her comments inaudible due to speaking close into the microphone).

Joseph Cannata – 132 Clinton Street – Isn't the Council here to represent the residents of this town? Chairman Orecchio stated this is the Land Use Board – we look at applications for site plan approval and variances. The Armenian Home does not contribute anything to this town or the residents.

Rita Laurente – 30 Main Street – we cannot park on Main Street – we park our vehicles on Clinton Street, which is our side yard. Clinton Street is narrow – when all these vehicles exit the site, my driveway is right there. Concerned with the placement of the dumpster, rodents, and property values.

Kathryn Cornwell – 33 Broad Street – my driveway also on Clinton Street and I pay taxes; the design of this will overshadow, block views, and destroy the neighborhood. The roads are not equipped for any additional traffic. Concerned with noise, dust, parking, property values, and quality of life. Questioned how often the generator will be on and tested.

Janet Palazzo-Craig – 94 Main Street – concerned with the funding for this project drying out – we don't want to see a half finished project – Mr. Bell stated anything can happen – if the applicant is affecting any municipal owned areas, the applicant will have to put up a bond for the completion. Questioned the potential parking spots near the green space – why are they needed? Mr. Bell stated we are trying to make sure there is enough parking – guests and visitors currently park on Broad Street, and we are trying to contain onsite. Ms. Craig questioned the time frame on construction, and soil removal. Mr. Cozzarelli stated construction could be anywhere between 15 to 18 months, and soil removal must be approved by the Bergen County Soil Conservation Board.

Edie Picano – 68 Broad Street – we are right near the current dumpster, and there are more than 10 deliveries a day. There is a stream that is right under where they propose to build. What happens to the stream and the water? Mr. Bell stated this project will send less surface water off the site, and the drainage will be cleaner off the site than now. Will the EPA be involved? Mr. Bell stated the EPA is a Federal Agency.

Donald Picano – 68 Broad Street – stated his concerns with current flooding on Broad and Clinton Street – natural stream and swale – we will have to be pumped out by the Fire Department – the proposed plan is building on open space, and the upsizing of the pipe. Borough Engineer agreed to speak with Joe Solimando to scope out the current situation and to help improve with the development. Mr. Bell stated the current facility does not have the kind of storm drainage system to an underground system that we propose – we cannot make the situation worse under State guidelines. Mr. Picano stated the Borough of Emerson gave the Home borough property at some time. (Some parts of his comments inaudible due to speaking close to into the microphone).

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

After Board discussion, the application will be continued at our meeting on September 1, 2011, with the following issues to be addressed:

- Dumpster / Deliveries
- Location of generator
- Borough Engineer meeting with Joe Solimando and applicant's Engineer to discuss drainage
- Ingress / Egress off Main Street – possible left turn lane into the main entrance of the site
- Recommendations / Comments of the Emerson Police Department based on this evening's testimony

Mr. Bell thanked the Board for their time and consideration.

**NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES – 22 CLINTON STREET – RESOLUTION**

After a review of the Resolution prepared by Mr. Martin, a motion was made to memorialize the Resolution by Mr. Todd, seconded by Chairman Orecchio, and carried. Roll call vote as follows:

Mrs. Ortiz – yes  
 Mr. Schwinder – yes  
 Mr. Todd – yes  
 Chairman Orecchio - yes

**ANY BOARD MEMBER:**

No comments at this time.

**GOOD AND WELFARE:**

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

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

**ADJOURNMENT:**

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

Respectfully submitted,

  
 Barbara Looney