

EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
APRIL 19, 2007

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, April 19, 2007. Chairman Bair opened the meeting at 8:00 PM, and invited Mr. Lazar 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
Chairman Steven Bair – Present
Mr. Jeffrey Bischoff – Present
Mr. Thomas Callagee – Absent
Ms. Danielle DiPaola – Present
Mr. Gary Goursky – Absent
Councilman Christopher Heyer – Present
Mr. Barry Howard – Present
Mayor Louis Lamatina – Present
Mr. John Lazar – Present
Mr. Mark Orecchio – Present
Mrs. Barbara Looney – Board Secretary – Present
Mr. Christopher Martin – Board Attorney – Present
Mr. Paul Niehoff – Borough Engineer – Absent – attendance not requested
Mr. Mike Sartori – Construction / Zoning Officer – Absent – attendance not requested

MINUTES:

A motion was made to approve the minutes for the meeting held on March 15, 2007, as amended, by Mr. Orecchio, seconded by Mr. Bischoff, and carried.

A motion was made to approve the minutes for the meeting held on April 5, 2007 by Mr. Bischoff, seconded by Ms. DiPaola, and carried.

CORRESPONDENCE:

- Memo from Maser Consulting – dated 3/16/07 – Re: 58 Kinderkamack Road, LLC
- Memo from Job & Job – dated 3/21/07 – Re: 58 Kinderkamack Road, LLC
- Memo from Maser Consulting- dated 3/28/07 – Re: PNC Bank – Major Soil Permit
- Memo from Sgt. Richard Mottley – dated 3/28/07 – Re: PNC Bank – Major Soil Permit
- Memo from Job & Job – dated 3/30/07 – Re: 58 Kinderkamack Road, LLC
- Flyer – Land use symposium – 4/21/07
- Flyer – NJ League of Municipalities – Everything local officials need to know about ethics seminar – 5/8/07

VOUCHERS:

- \$3872.50 – Maser Consulting – Re: A & R Builders
- 905.00 – Maser Consulting – Re: 58 Kinderkamack Road, LLC
- 1522.00 – Maser Consulting – Re: PNC Bank
- 217.50 – Maser Consulting – Re: Gikas
- 145.00 – Maser Consulting – Re: Spinelli
- 1000.00 – Christopher Martin – 1st quarter retainer
- 30.99 – Staples – supplies
- 65.25 – Crown Trophy – name plates
- 45.00 – Bergen County Bar Association – Re: seminar – Chairman Bair

A motion was made to approve these vouchers by Mr. Lazar, seconded by Mr. Howard, and carried.

MASTER PLAN – PUBLIC HEARING

Chairman Bair introduced to the Board and the public Mr. Joe Burgis, Borough Planner, who is here this evening to review the periodic Reexamination Report of the Master Plan. Mr. Martin reviewed and deemed the Proof of Notice sufficient, and Mr. Burgis was sworn in and accepted as an expert.

Mr. Burgis stated the adoption of comprehensive land use plan elements and Master Plan Reexamination reports are necessary to ensure that the Borough's planning policies and practices remain current and up-to-date. It is also necessary to ensure that the Borough's Master Plan and Zoning ordinances are consistent with the provisions of the State's Municipal Land Use Law (MLUL), which mandates that all local zoning regulations be consistent with a regularly revised and updated land use plan element.

The first section deals with Planning and Zoning issues based on the MLUL, which are as follows:

- Major problems and objectives relating to land development, since the last reexamination report.
- The extent to which such problems and objectives have been reduced &/or increased.
- Changes in policies – such as density and distribution of population and land use; housing conditions; circulation, conservation of energy and natural features, collection and disposition of recycling materials, and changes in State, County, and Municipal policies.

The second section deals with the incorporation of a redevelopment plan adopted pursuant to the Local Redevelopment and Housing Law (LHRL).

Mr. Burgis stated the major problems identified in the 1999 Reexamination report were:

- Housing Plan Element / Fair Share Plan – the Borough should adopt a Housing Plan Element and pursue vacant land to further reduce its affordable housing obligation.
- Preparation of a Downtown Plan – in 2003 the Borough prepared a Central Business District Plan (CBDP), and in 2004, the Borough undertook a Redevelopment study and prepared a plan to assist in the implementation of the CBD Plan.
- Preservation of Open Space / Parks and Recreation – the Borough should do an inventory of the few remaining parcels to determine if any are suitable.
- Revision of Zoning Standards for Infill Development – a study should be performed to determine design standards to protect the Borough's neighborhoods against incompatible development – Chairman Bair stated revisions were done in 2001 and 2002.

Mr. Burgis further stated that due to recent changes in Council on Affordable Housing (COAH) regulations, many municipalities who have seen a decrease size in their number of units in the second round, will probably see rise in their third round requirement, and Mr. Burgis suggested the Borough prepare a third round plan sometime in the fall. Mayor Lamatina stated his concerns with builders remedy lawsuit – Mr. Burgis stated we can prepare a third round plan now, however, it may have to be amended when the third round plan rules come out. Mr. Lazar questioned whether the Building Department is collecting COAH fees – The Secretary stated the Building Department does make this request to the Tax Assessor. Mr. Burgis stated that 20% of the fees collected in any one year, could be used for the administrative costs, including the preparation a housing plan.

Some of the recommendations in the report are as follows:

- Preparation of an Open Space and Recreation Plan
- Modify the R-7.5 zone – approximately 76% of the Borough's residential land use is within the R-7.5 zone, which requires a minimum lot area of 7,500 square feet – however a majority of the existing developed lots do not comply.
- Eliminate the R-22.5 zone – the average lot size in this zone is 6,800 square feet. The cemetery off Forest Avenue is included in this zone - eliminate in the R-22.5 zone and create a cemetery zone.
- R-2 zone – age restricted – the existing ordinance refers to an R-1 zone – which does not exist.
- Eliminate the PCD zone – Emerson Woods – this is now public ownership and held for open space purposes.
- Bland Street – should be part of the Retail Commercial zone – currently in the Limited Business.

Mayor Lamatina questioned whether a commercial overlay or light business zone should be considered on Linwood Avenue – Mr. Burgis stated developers have made that inquiry, and will look into further.

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

Brian Todd – 207 Palisade Avenue – stated he spoke to Mr. Royce of New Concepts for Living and the residents should be moving in within 30 days. With regard to the round three plan of COAH, Mr. Todd is concerned if we give one number and it winds up being less – Mr. Burgis stated 20% is a reasonable figure, and COAH has accepted less than 20%.

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

A motion was made to adopt the Reexamination Report, as amended, by Mr. Adams, seconded by Mr. Lazar, and carried, based on the following:

Roll call vote as follows:

Councilman Heyer – yes
 Ms. DiPaola – yes
 Mayor Lamatina – yes
 Mr. Bischoff – yes
 Mr. Orecchio – yes
 Mr. Howard – yes
 Mr. Lazar – yes
 Mr. Adams – yes
 Chairman Bair – yes

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

COLDEN – 177 KINDERKAMACK ROAD – RESOLUTION:

After Board review of the Resolution prepared by Mr. Martin, a motion was made to memorialize the Resolution by Mr. Bischoff, seconded by Ms. DiPaola, and carried. Roll call as follows:

Ms. DiPaola – yes
 Mayor Lamatina – yes
 Mr. Lazar – yes
 Mr. Howard – yes
 Mr. Orecchio – yes
 Mr. Bischoff – yes
 Chairman Bair – yes

PNC BANK – 422 OLD HOOK ROAD – MAJOR SOIL PERMIT – RESOLUTION:

After Board review of the Resolution prepared by Mr. Martin, a motion was made to memorialize the Resolution by Ms. DiPaola, seconded by Mayor Lamatina, and carried. Roll call vote as follows:

Mr. Bischoff – yes
 Mr. Orecchio – yes
 Mr. Lazar – yes
 Mr. Howard – yes
 Mayor Lamatina – yes
 Ms. DiPaola – yes
 Chairman Bair - yes

ANY BOARD MEMBER:

Mr. Bischoff questioned whether Mr. Aramini has submitted an application and escrow funds. The Secretary stated she will follow-up with Mr. Sartori.

Chairman Bair referenced approved applications that have not submitted appropriate escrow based on their Developers Agreements – the Secretary stated Mr. Niehoff is scheduled to be at Borough Hall tomorrow to go over this issue, especially concerning the Pascack Valley Shopping Center. Mr. Martin requested the Secretary contact him directly if the proper funds are not submitted, and feels 5% of the project cost should be required and the ordinance be amended.

Mr. Orecchio questioned Mayor Lamatina on Phase 4 of the Redevelopment – Mayor Lamatina stated Phase 4 consists of the Restaurant and Lincoln Mercury, which Oritani Savings Bank will become part of. Phase 1, 2, and 3 is where we want to start – Kuiken Brothers is now interested in a major development.

Mr. Adams feels the Borough should have a leaf removal ordinance in place, and also stated the Board should review vouchers presented for approval.

Mayor Lamatina referenced an article that appeared in The Record with regard to dangerous intersections – Mr. Farouk wrote a letter to Chief Saudino requesting accident information at these intersections.

GOOD AND WELFARE:

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

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

ADJOURNMENT:

A motion was made to adjourn the meeting by Ms. DiPaola, seconded by Councilman Heyer, and carried.

Respectfully submitted,

Barbara Looney