

SPECIAL MEETING
EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
DECEMBER 30, 2008

This special meeting of the Emerson Planning Board was held in the Municipal Building on Tuesday, December 30, 2008. Vice Chairwoman DiPaola opened the meeting at 7:00 PM, and invited Mr. Joseph Burgis 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
 Councilman Steven Bair – Present
 Chairman Jeffrey Bischoff – Absent
 Ms. Danielle DiPaola – Present
 Mayor Louis Lamatina – Present
 Mr. John Lazar – Present
 Mr. Mark Orecchio – Present
 Mrs. Germaine Ortiz – Absent
 Mr. Gary Schwinder – Present
 Mr. Thomas Callagee – Absent
 Mr. Gary Goursky – Absent
 Mr. Michael De Grande – Attorney – Present
 Mrs. Barbara Looney – Board Secretary – Present
 Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
 Mr. Joseph Solimando – DPW Supervisor – Absent – attendance not requested
 Mr. Paul Niehoff – Borough Engineer – Absent – attendance not requested

HOUSING ELEMENT & FAIR SHARE PLAN – COAH – PUBLIC HEARING:

Mr. Joe Burgis was present to review the plan which must be submitted to the Council on Affordable Housing (COAH) tomorrow. Proof of notice was submitted, reviewed, and deemed sufficient by Mr. De Grande.

Mr. Burgis stated that for the third round, COAH has calculated an obligation of 135 affordable housing units for the Borough – the figure of 135 is based on COAH's projection of how much growth regarding residential units and employment anticipated between 2004 and 2018. COAH is projecting the addition of 406 dwellings, the creation of 853 jobs – 20 % of housing created must be affordable. Their projections also state that the Borough has 144 acres of vacant developable land. Mr. Burgis feels that the figures prepared by COAH are "substantially overestimated" and based on figures his office prepared, Mr. Burgis projects the addition of 130 dwelling units between 2004 and 2018, which would leave the Borough with an affordable housing obligation of 41 units. Mr. Burgis also stated the Borough has about 4 acres of vacant land with development potential – this calculation was reached utilizing wetlands and flood plan mappings.

The Housing Element and Fair Share Plan calls for the creation of an affordable housing overlay zone of a piece of property now occupied by a Verizon facility – 2.76 acres located on Chestnut and Lozier Avenues, which is currently zoned for light industrial use. Zoning this area for inclusionary development would permit the possible future development of 41 units – 10 would be affordable units. Mr. Burgis stated that since this property is included in the Redevelopment Study, the property is highly impervious and lacking circulation elements, and the property has a

potential to be developed. The Borough will also look for credits due to the construction of the New Concepts for living facility located off Emerson Plaza West, which nets 5 units, and the remainder of the obligation the Borough will seek a 74 unit vacant land adjustment due to the lack of developable areas. Once COAH receives the plan, The Borough will be protected against the threat of a builder's remedy lawsuit, in which a developer could sue the municipality claiming they are not in compliance with affordable housing regulations. Mr. Burgis also stated the Borough must wait for a response, which may be lengthy, due to all municipalities in the state expected to file by tomorrow's deadline – the plan may not be accepted and COAH may suggest amendments, but the Borough would be protected.

Mr. Lazar stated his concern of what a large redevelopment of the downtown could mean for the Borough's obligation – Mr. Burgis responded that any number of units that are developed would generate a further obligation, and COAH would require the Borough to supply an alternative plan to satisfy an "adjusted" affordable housing obligation.

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

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

A motion was made to approve the plan by Mr. Adams, seconded by Mr. Lazar, and carried. Roll call vote as follows:

Mr. Orecchio – yes
 Mr. Schwinder – yes
 Mayor Lamatina – yes
 Councilman Bair – yes
 Mr. Lazar – yes
 Mr. Adams – yes
 Vice Chairwoman DiPaola – yes

HOUSING ELEMENT & FAIR SHARE PLAN – COAH – RESOLUTION:

The Board reviewed the Resolution prepared by Mr. De Grande, and a motion was made to memorialize the Resolution, as amended, by Mr. Lazar, seconded by Mr. Adams, and carried. Roll call vote as follows:

Mr. Orecchio – yes
 Mr. Schwinder – yes
 Mayor Lamatina – yes
 Councilman Bair – yes
 Mr. Adams – yes
 Mr. Lazar – yes
 Vice Chairwoman DiPaola - yes

ANY BOARD MEMBER:

No comments at this time.

GOOD AND WELARE:

A motion was made to go into public session by Mr. Orecchio, seconded by Mr. Lazar, and carried, with no comments.

A motion was made to close public session by Mr. Lazar, seconded by Councilman Bair, and carried.

ADJOURNMENT:

A motion was made to adjourn the meeting by Councilman Bair, seconded by Mr. Lazar, and carried.

Respectfully submitted,

Barbara Looney