

EMERSON PLANNING BOARD
EMERSON, NEW JERSEY
MAY 15, 2008

This meeting of the Emerson Planning Board was held in the Municipal Building on Thursday, May 15, 2008. Chairman Bischoff opened the meeting at 8:00 PM, and invited Ms. DiPaola 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 – Present
 Ms. Danielle DiPaola – Present
 Mayor Louis Lamatina – Present
 Mr. John Lazar – Present
 Mr. Mark Orecchio – Present
 Mrs. Germaine Ortiz – Present – arrived at 8:10
 Mr. Gary Schwinder – Present
 Mr. Thomas Callagee – Absent
 Mr. Gary Goursky – Present
 Mr. Christopher Martin – Board Attorney – Present
 Mrs. Barbara Looney – Board Secretary – Present
 Mr. Michael Sartori – Construction / Zoning Officer – Present – arrived at 8:20
 Mr. Paul Niehoff – Borough Engineer – Present

MINUTES:

A motion was made to approve the minutes for the meeting held on April 17, 2008, as amended, by Ms. DiPaola, seconded by Mr. Orecchio, and carried, with Councilman Bair abstaining.

CORRESPONDENCE:

- Memo from Joseph Tilli – received 4/23/08 – Re: Redevelopment
- Memo from Maser Consulting – dated 4/23/08 – Re: Home for the Armenian Aged
- Memo from Jacobs & Bell – dated 4/29/08 – Re: Home for the Armenian Aged – requesting to be carried to meeting of June 5, 2008
- Memo from Maser Consulting – dated 4/30/08 – Re: Pascack Valley Shopping Center
- Memo from Maser Consulting – dated 5/13/08 – Re: Stavrou Family

VOUCHERS:

- \$56,810.00 – Maser Consulting – Re: Pascack Valley Shopping Center
- 1,450.00 – Maser Consulting – Re: Emerson Convalescent Center
- 4,052.50 – Maser Consulting – Re: Home for the Armenian Aged
- 2,085.00 – Maser Consulting – Re: Oritani Savings Bank
- 1,842.50 – Maser Consulting – Re: A & R Builders
- 450.96 – Morrison Mahoney – Re: Northern Valley Developers
- 97.00 – Gann Law Books – 2008 Zoning and Land Use

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

MASLYN DOOR CO. LLC – 178 KINDERKAMACK ROAD – RESOLUTION**KEVIN MCGUINNESS – 260 MAIN STREET – NEW APPLICATION:**

Mr. James Cedarstrand was present and is representing the applicant. Proof of service was submitted, reviewed, and deemed complete by Mr. Martin. Mr. Cedarstrand stated the applicant is here this evening to request a variance for a rear yard setback of 20 feet, due to the frontage on the proposed home being pushed back to line up with the other homes within 200 feet. Mr. Cedarstrand introduced Mr. McGuinness who was sworn in by Mr. Martin and accepted as a witness. Mr. McGuinness stated that he is proposing a pre-fab cape-style home, and when he applied for a building permit he was told he didn't comply with the front yard setback, and Mr. McGuinness further stated the Board – on his previous subdivision application – requested he use the existing curb cut for the driveway. Mr. Schwinder expressed his concerns with a 15 foot variance and suggested moving the proposed home to the right – Mr. McGuinness stated if he moves the house to the right, he wouldn't be able to use the existing curb cut, and would be too close to the existing fire hydrant. Mr. Martin questioned if there was a developers agreement in place from the last approval – Mr. Cedarstrand responded there was no developers agreement, and Mr. Martin suggested one be put in place for this approval. Mr. Niehoff stated he reviewed the previous approval, and none of the approvals, including soil movement, show the approval and or position of the proposed home. Mr. McGuinness stated he has no problem moving the house to the right so it would be more centered on the property and relocating the curb cut. Chairman Bischoff stated his concerns with a 15 foot rear yard variance, and has no problem with moving the proposed home to the right. Mr. Martin suggested the applicant's engineer contact Paul Niehoff to finalize details, which should have been part of a developer's agreement for the original approval. Mayor Lamatina suggested the professionals approve the positioning of the proposed home, and after Board discussion it was agreed to move the home 10 feet to the right.

Ms. DiPaola questioned the debris – broken down cement – that is on the site and where it came from – Mr. McGuinness stated some of it is from the existing site, and his home – I'm trying to clean up the property since I cannot use the site. Chairman Bischoff stated the Borough has received property maintenance calls on the site and further stated a large amount of concrete has appeared on the site within the last week.

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

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

A motion was made to move the proposed home – variance not to exceed 10 feet of relief from rear property line, subject to review by Borough professionals on the positioning of the proposed home, and property maintenance issues addressed within 10 days, by Mayor Lamatina, seconded by Mr. Goursky. Roll call vote as follows:

Mr. Schwinder – yes
Ms. DiPaola – yes
Mr. Orecchio – yes
Mr. Adams – yes
Mr. Lazar – yes
Mr. Goursky – yes
Mayor Lamatina – yes
Chairman Bischoff – yes

Mr. Martin stated he would not prepare a Resolution for approval, until all issues are addressed.

ANY BOARD MEMBER:

Mayor Lamatina stated a meeting is scheduled with the attorneys for Millineuim Homes on April 21st to walk the properties, within the redevelopment zone, address issues of designation of properties, and the plan. Mayor Lamatina also stated he will be meeting with officials from New Jersey Transit tomorrow to discuss funding available and relocation of the train platform.

GOOD AND WELFARE:

A motion was made to open public session by Ms. DiPaola, seconded by Mr. Goursky, and carried.

Ken Hoffman – 61 Emwood Drive – another lawsuit has been filed with regard to redevelopment by the property owners of Hot Dog Heaven – there is no developer's agreement in place to indemnify the Borough against lawsuits – we may be responsible for these costs. The original plan does not have a lot of documentation as to the reasons why – we believe – the area is in need of redevelopment. Councilman Hoffman also stated he hopes the Planning Board will look at the plan completely, and feels the Chairman of this Board should not be shut out of the process, by not being able to attend subcommittee meetings. Chairman Bischoff stated he would like to be fully informed and prepared in order to begin the public hearings – this is an important issue for the Borough. Mayor Lamatina stated this will be a very public process – the zone and plan will be addressed. Mr. Schwinder requested Mayor Lamatina discuss with the subcommittee the point of which time they disband – so no one is upset – when the hearings start.

Dan Radici – 240 Ackerman Avenue – here this evening on behalf of Linden Estates – we have an issue with a sidewalk that will be continued up from Briarwood Court – existing before the subdivision – with the new home at 94 Linden and the future home to be built, to extend to the existing cul-de-sac – the sidewalk is necessary, taking away from the front yards, there will be maintenance issues in the future. Chairman Bischoff stated any changes to the prior approval would be a new application before this Board. Mr. Schwinder commented on the footpath that was on Briarwood to Linden that led to a sidewalk that was eliminated as a result of the construction and the reshaping of the cul-de-sac – as part of the agreement, you were going to replace or put in a sidewalk to continue to Park Avenue, and be a part of the footpath to Briarwood Court. Chairman Bischoff and Mayor Lamatina advised Mr. Radici an application would need to be filed formally with the Board, and reviewed by the Borough Engineer.

Mike Sartori stated the Shopping Center is scheduled to open on May 1st and as a final closeout of the prior approvals, the developers fees – also known as COAH – the Resolution and

developer's agreement from this Board do not address this issue – a copy of the Borough ordinance has been forwarded to the developer and reasons why they do not want to pay, and requested the Board include this issue in any Resolution &/or developer's agreement. The Secretary will forward copies of all Resolutions and developer's agreement to Mr. Martin tomorrow.

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

ADJOURNMENT:

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

Respectfully submitted,

Barbara Looney