

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
December 8, 2016**

This meeting of the Emerson Land Use Board was held in the auditorium of Emerson Jr/Sr. High School. Chairman Schwinder opened the meeting at 8:15PM. In compliance with the Open Public Meeting Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

Pledge of Allegiance

Roll Call:

Robert Adams	Present
Thomas Callagee	Absent
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Absent
Norman Rieger	Absent
Thomas Sudano	Present
Vincent Tripodi, Councilman	Absent
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
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Chairman Schwinder read the following prepared statement in regard to the Redevelopment Study of Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10.

Good evening and welcome to the Thursday, December 8th, 2016 meeting of the Borough of Emerson Land Use Board. Before we begin with tonight's agenda we would like to notify the public that one of the items on tonight's agenda is a public hearing. The Board will consider whether or not a certain area meets the statutory criteria, under the New Jersey Local Redevelopment and Housing Law, to continue to be designated as a condemnation redevelopment area.

Please be advised that due to the numerous blocks and lots that comprise the area being studied, the Board will only be reviewing, hearing, and taking into consideration the following block and lots at tonight's meeting: **Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 and 10.**

If you are the property owner and/or person in interest affected by the potential designation of any one of these aforementioned properties, then you are invited to comment before the Board when the opportunity is provided. If you are not a property owner and/or person in interest that may be affected by the designation of the specific area being considered, then you are invited to remain for the hearing; However, please note that any information and/or testimony relating to any of the other blocks and lots will not be tonight, but at a future Board meeting where notice will be provided in the same manner as required by law notifying all affected property owners and/or persons of interest at which time the Board will consider the other properties.

Chairman Schwinder also read the following prepared statement regarding Redevelopment Plan Amendments:

The Board has been directed by the Mayor and Council to review certain additional amendments to the Borough's Redevelopment Plan. The Board has already provided its report recommending certain amendments and will only be reviewing two additional amendments tonight. Specifically, we will consider an amendment requiring a minimum five foot setback on the facade of the fourth floor of buildings facing Lincoln Boulevard and Kinderkamack Road and an amendment to the parking requirements requiring that the Board retain a consultant on certain applications. These are the only amendments that the Board will review tonight, as the Board has previously reviewed and recommended other amendments contained within the proposed ordinance. The Board will be hearing a presentation from Brigitte Bogart, the Borough's Planner as well as any person present wishing to comment and aid the Board in its recommendation to the Mayor and Council. Thank you for your cooperation and we will now begin tonight's meeting.

Chairman Schwinder asked if there were any comments and/or corrections on the November 10, 2016 LUB meeting minutes. Hearing none, he asked for a motion to accept the minutes, which was made by Mr. Goursky and was seconded by Mr. Malone. All were in favor.

Chairman Schwinder asked Ms. Shust to read voucher(s) for approval.

Vouchers			8-Dec-16	
11/16/2016	Shust	LUB meeting 11/10/16	\$ 150.00	16-01765
11/17/2016	Bogart	Sign Ordinance Review	\$ 1,237.00	16-01767
11/17/2016	Bogart	Redevelopment Plan review	\$ 1,593.75	16-01767
11/17/2016	Bogart	Verizon Network Node	\$ 1,200.00	16-01767
11/18/2016	Morrison	Unity Bank Resolution	\$ 378.00	16-01779
		Verizon Network Node		
11/21/2016	Morrison	Resolution	\$ 448.00	16-01780
11/28/2016	Boswell	17 Arthur St	\$ 237.00	16-01812
11/28/2016	Boswell	Verizon Network Node	\$ 1,027.00	16-01812
11/28/2016	Boswell	90 Jefferson Ave.	\$ 434.50	16-01812
11/28/2016	Boswell	21 Revere Ave	\$ 237.00	16-01812
11/28/2016	Boswell	38 First St	\$ 152.00	16-01812
11/29/2016	Boswell	246 Kinderkamack Rd.	\$ 238.90	16-01823
11/29/2016	Boswell	15 Arthur St	\$ 237.00	16-01823
11/29/2016	Boswell	118 Eagle Dr.	\$ 790.00	16-01824
			\$ 8,360.15	

Mr. Schwinder made note that all the expenses except for the board secretary were to be taken out of Escrow Accounts.

Mr. Schwinder asked for a motion to approve the vouchers for payment, which was made by Mr. Goursky, seconded by Mr. Malone. Unanimous approval.

Correspondence: There was no correspondence,

Resolutions:

Chairman Schwinder asked the Board for any comments on the Resolution for the Kim Residence construction, 118 Eagle Dr. Mr. Martin stated that in addition to the reduction in the setback, there is also the matter of HVAC units being moved to the Daned St. side, the excess impervious coverage, and the seepage pit which would be installed per agreement between the Kim family and Mr. Ascolese. Mr. Goursky then asked how the matter of the white oak had been resolved was told the Kims met with the Shade Tree Commission and received permission to trim branches from the construction side and an equal number from the street side so as to even out the branches. Hearing no other comments, Mr. Schwinder asked for a motion to approve the Resolution, which was made by Mr. Sudano, second

by Mr. Malone. Mr. Adams and Mr. Kutzin abstained, all others present voted to approve.

Chairman Schwinder asked the Board for any comments on the Resolution for the Sabino residence, 23 Pavonia St. reduction in rear yard setback. Hearing none, he asked for a motion to approve. Mr. Goursky made a motion to approve the Resolution, seconded by Mr. Adams, all present voted yes.

Applications:

Ms. Alison Warner 437 Old Hook Rd. Unit #5, applied for a variance to include a logo in the sign for her Club Pilates franchise.

Mr. Martin asked Mr. Schwinder if he could direct the questions to Ms. Warner pertaining to the report from Mr. Ascolese. Mr. Schwinder agreed. Mr. Martin then discussed the regulations regarding the proposed sign. The sign itself is 5 inches deep, however, the borough Ordinance only allows for an 8 inch extension from the façade. The installation would have to conform to those dimensions, to which Ms. Warner agreed. Mr. Martin then advised Ms. Warner that any lighting on the sign, must be extinguished no later than 11 pm each evening. Ms. Warner was in agreement. Mr. Goursky questioned lighting of the sign and was told it was backlit. Mr. Kutzin asked about the flower in the logo, if Ms. Warner knew what it was. Ms. Warner replied that she did not know the flower type, but that it was the logo and sign that was used for all the Franchise locations, of which there are currently four in NJ. Ms. Warner stated that the sign itself is black and white.

Mr. Goursky made a motion that application be accepted, which was seconded by Mr. McKendry. Mr. Schwinder then asked for a motion to open the floor to the public which was made by Mr. Kutzin, second by Mr. Adams, all approved. Hearing no comment from the public, Mr. Schwinder asked for a motion to close the floor, which was made by Mr. Kutzin second by Mr. Sudano, all were in favor.

Mr. Schwinder asked for a vote on the motion, all present agreed. The application was approved and Mr. Martin is to issue a Resolution for the next meeting of Jan 5, 2017.

Mr. Schwinder then opened the **Public Hearing** in regard to Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10. No other areas are under discussion at this time. Mr. Schwinder then asked Mr. Doug Doyle to approach.

Mr. Doyle introduced himself as the Attorney for the borough in the matter of the Redevelopment of the downtown area. He stated that this meeting would involve the properties located between Kinderkamack Rd and the railroad track between Lincoln Blvd and Linwood Ave. He stated that the property owners had been advised by Certified mail and an announcement had been placed in the newspapers. He then called Ms. Brigitte Bogart to the floor. Ms. Bogart is a

qualified Planner, has been licensed in the State of New Jersey for over 15 years, and is the Planner for the Borough of Emerson. Mr. Martin confirmed her qualifications.

Mr. Doyle asked Ms. Bogart if she was familiar with the subject properties and if she had personally inspected the lots.

Ms. Bogart replied that she had personally walked the area a minimum of three times, Nov. 14, Nov. 29 and Dec. 8 and opened her statement by referring to her report dated December 8, 2016, in which the area and criteria for determination of status of the properties were covered.

II. Criteria for Determination of An Area In Need of Redevelopment per LHRL 40A:12A-5 an area may be determined to be in Need of Redevelopment if after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any of the following conditions exists:

A. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics or are so lacking in light, air or space as to be conducive to unwholesome living or working conditions.

B. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.

C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or developed through the instrumentality of private capital.

D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangements or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious and use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

E. A growing lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a

way that the aggregate assessed value of the area has been materially depreciated.

G. In any municipality in which an enterprise has been designated pursuant to the "New Jersey Urban Enterprise Zones Act", P.L.1983, c.303 (C.52: 27H-60 et seq.) the execution of the actions prescribed in the act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of the P.L.1992, c.79 (C.40A: 12A-5 and 40A: 12A-6) for the purpose of granting tax exemptions within the enterprise zone district to the provisions P.L.1991, c431 (C.40A: 20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c 441 (C.40A:21 -1 et seq). The municipality shall not utilize any other redevelopment Document prepared by Brigette Bogart Planning & Design Professionals for powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c79 (C.40A:12A-1 et al) for determining that the area is in need of redevelopment or in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. In addition to the above criteria, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.

Mr. Doyle questioned how the criteria were applied to the various lots. Ms. Bogart reviewed each lot, stating that the criteria listed as "D" 'E' & 'H' were the most important, and referred to pages 6, 7 & 8 as to the underutilized use of each property. Although the entire "downtown" area is shown on the charts, only block 419, lots, 1, 2, 3, 4, 5, 6.01, 6.02. 7, 8, 9, & 10 were under discussion at this session. Ms. Bogart then described each lot, its use and its improvement ratio.

In the entire section only one lot meets the improvement ratio criteria of 2.1, that being lot #4 on which the Rancho Cantina is located.

Ms. Bogart also reviewed the Police reports for the areas shown on page 12.

Mr. Schwinder asked why this matter was being brought before the Land Use Board again, since the Redevelopment had been approved in 1999 and several amendments were brought before the Board since that time.

Ms. Bogart replied that since the original development Master Plan had been established in 1999, it had to be brought up to date, to avoid any issues.

Ms. Bogart then reviewed each property:

Lot 1, two family home in disrepair with holes in roofing and siding. There is no parking except for a strip of grass along Kennedy St., which is barely wide enough for a car. The rear yard is not kept up, there is a trailer parked there. There is trash on the property and has an improvement ratio of 0.86.

Lot 2 is currently a vacant lot. Previously it housed a dilapidated one story house which was used for storage by the restaurant. The lot was purchased to expand the parking for the restaurant, however it was never paved and is not striped. The property meets Criteria 'E' =- underutilized. The current ratio is 0.00.

Lot 3 is currently used as a parking lot for the restaurant, which is not well maintained and has an improvement value of 0.04.

Ms. Bogart indicated that the above three lots are vital to the Redevelopment program for access. Without those lots, the Redevelopment could not be effectively done.

Lot 4 is the Rancho Cantina Restaurant which sits on the corner of Kinderkamack Rd. and Lincoln Blvd. This is the only property that meets the improvement ratio with a 2.48; however it does not meet criteria 'D' as it is underutilized.

Ms. Bogart noted that this property and the one of the corner of Kinderkamack and Linwood are the first impression that a driver sees when coming into town from the North or South. It is important that these lots meet the criteria.

Lot 5, a recently redeveloped property, was constructed as a single lot unit, not as part of a whole and is therefore underutilized, and does not meet Criteria 'D'. Although the building itself can be incorporated into the redevelopment, the parking lot would have to be reconfigured. Although recently constructed the lower floor is not fully occupied.

Lot 6.01 consists of a one story structure with a liquor store and dry cleaners the improvement ratio is 1.23 and 0.78 respectively. The lots are not well kept as there is trash, containers and debris in the rear lots, and coolers and other containers around the building. Several of the parking spaces for these properties involve backing out onto the pedestrian walkway and into traffic on Kinderkamack Rd. Both lots have several violations, some for DEP, and set back.

Lot 7 is a Municipality owned lot housing the Ambulance Corp, as well as commuter parking. Although well maintained, the improvement ratio is 0.27 and meets Criteria 'E', as it is underutilized.

Lot 6.02 is a mixed use building consisting of retail on the first floor and 5 apartments on the upper floors. The building is in a dilapidated condition with holes in the walls and roofing, broken windows covered with boards, The rear lot, which is for parking, is unpaved with no striping, with no landscaping or maintenance; is usually covered with debris and trash. The Improvement ratio of this lot is 1.51.

Lot 8 is a single story multi retail use building. There is a paved parking lot in front of the building where the view of oncoming southbound traffic is obstructed by the building on Lot 6.02. The front of the building appears to be in good repair, but the rear is not. There is debris and trash strewn about the lot. The improvement ratio of this lot is 0.49

Lot 9 is a one story commercial building with onsite parking that is poorly designed. The front of the building appears to be in good condition, however, there are several additions to the rear of the property as well as debris and trash in the rear lot. The improvement ratio for this lot is 0.49

Lot 10 is a single story multi-tenant stucco building on an undersized lot, which meet both Criteria 'D' and 'E'. There is a single width driveway to the rear lot, which creates an exit/entry problem. The improvement ratio on this lot is 0.65.

Lots 9 and 10 are directly opposite the train station and are the first properties seen by northbound traffic on Kinderkamack Rd.

Mr. Doyle then asked for Ms. Bogart's conclusion, which she read from her report on page.42

VII. Conclusion This preliminary investigation reveals several key findings that indicate and verify that the proposed redevelopment area meets the statutory criteria found in N.J.S.A.40A:12A-5 of the Local Redevelopment Law. In general, the properties have a deleterious impact on the surrounding areas. A majority of the Study Area exhibits faulty arrangement that is characteristic of meeting Criteria "D". The faulty arrangement is due to the size and location of the buildings, lack of parking and improper circulation aisles. This creates a site with an inefficient layout with no opportunities to improve. Given the uses and building sizes on a number of lots, there is a need for outdoor storage and display. Further the lack of a curbing along Kinderkamack Road creates safety issues with unchanneled vehicles exiting and entering the sites and/or backing out onto Kinderkamack Road. Of the entire study area, only 10 of the 82 properties have an improvement to land value ratio of 2:1 or greater. That is only 12.5 percent of the entire study area that meets the standard. This is compared to the fact that the remaining commercial properties within the Borough have a ratio of 2.11. This fact combined with the fact that a majority of the study area exhibits poor design and arrangement are indicators that the study area is not being properly utilized and

exhibits economic underutilization. This is an indicator that the area as a whole is underutilized. Criteria “E” has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough’s land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. Lastly, when analyzing the entire area, it is concluded that these parcels are necessary for the effective redevelopment of the entire area as a whole. The proposed designation of the above-mentioned area as “Area In Need of Redevelopment” would allow for the creation of a Redevelopment Plan for the area that can encourage creative design, require streetscape improvements, and permit uses that will be compatible with the area’s proximity to the train station. These changes would be compatible to the vision of the Master Plan and in keeping with the Smart Growth principles of the State Plan.

Ms. Bogart then read her recommendations.

VIII. Recommendation Based on the findings of this preliminary investigation, the recommendation to the Borough of Emerson Planning Board is to forward these findings and recommendations to the Municipality’s Mayor and Council. All the properties within the proposed area clearly meet the statutory criteria needed to establish a redevelopment area. Therefore, the Municipal Council of the Borough of Emerson has the authority to reconfirm this area as an “Area in Need of Redevelopment,” and to authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condemnation Redevelopment Area”). Once the area designation is formally reconfirmed, the Council should authorize a process by which the Planning Board, the public and municipal professionals establish a redevelopment plan for the area. A resolution will be needed authorizing Planning Board to develop such a plan.

Mr. Schwinder then re-read the Preamble advising the Public that only Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10 were under consideration at this meeting and would entertain comments regarding only this area at this time. All are invited to stay and listen, but comments should be directed to this area only. Comments would be limited to 5 minutes per person.

Mr. Schwinder asked for a motion to open the floor, which was made by Mr. Goursky and seconded by Mayor Lamatina.

Mr. Martin suggested we offer the floor to professionals first, at which time he asked Mr. Huntington if he had any comments, hearing none, He called Mr. James Jaworski to the microphone.

Mr. Jaworsky represents 214 Kinderkamack Rd, LLC, which is Rancho Cantina. Mr. Jaworsky stated that Rancho Cantina had made an investment to

renovate the restaurant and the adjoining lots, and increased the value by \$225,000.00. And, that the restaurant was the only property that improved the value according to the statement of Ms. Bogart. He questioned Ms. Bogart as to the set back and vision of the Master Plan, and what she meant by the southbound traffic impression.

Ms. Bogart replied that although the value of the property had been increased, the utilization of the property is insufficient and the Master Plan envisions multi-storied buildings, which would give the southbound traffic on Kinderkamack Rd. an inviting appearance.

Mr. Jaworsky stated that the improvements made by Rancho Cantina created a valuable investment.

Ms. Debbie Agnullo then approached the podium, introduced herself as the owner of the building at 180 Kinderkamack Rd, Block 419, Lot 6.01, where the liquor store and dry cleaners were located, and asked why this matter was being reopened.

Mr. Doug Doyle stated that due to the age of the original Ordinance, an update was necessary to avoid any legal problems as the redevelopment continued.

Ms. Agnullo wanted to know why her property was included.

Mr. Doyle replied that her property was in need of repair and DEP cleanup. The parking configuration was a traffic hazard, since the front spaces back onto Kinderkamack Rd. and the property was under-utilized.

Ms. Agnullo asked why the Borough did not work with the current owners and let them improve their properties. Mr. Doyle replied that the property owners had been offered an opportunity more than ten years ago to improve, and no owners at that time improved their properties. Only a new owner made any property improvements.

Ms. Agnullo also inquired as to the rights of the property owners, once the Amendment was adopted.

Ms. Bogart replied that the owners had 45 days to challenge the decision of the Mayor and Council and should watch for their determinations.

Ms. Agnullo stated that this redevelopment concept had been on the table for 15 year, and the owners could not sell their properties due to this threat hanging over their heads, they could not improve because they did not know what the Master Plan would entail, and now they are being threatened with Eminent Domain.

Mr. Doyle replied that the plan had been reconfigured in 2004 and again in 2008, however, no improvements had been made by the property owners.

Mr. Schwinder asked if there were any other comments from the floor.

A gentleman approached the podium stating his name as Ernest Fiedel, claiming to be a Federal officer who represents the property owners, and was from Congers, NY.

Mr. Martin asked him for specifics in regard to his address, which he refused to answer, stating only that he represented a Bonding Organization in regard to USC 241-242, and the OBA Association. He stated that the Taxpayers rights were being abused and Ms. Bogart was not bonded.

Mr. Martin asked Mr. Doyle if this meeting and the subject of the meeting had been posted.

Mr. Doyle replied that ads had been run in the newspapers and notices posted on the website and bulletin board of the Municipal Building.

Mr. Edwardo Rosella of 11 Chestnut inquired as to the future plans for his property and was told that at this time, his property was not under discussion. Mr. Rosella stated that he had moved to Emerson because it was a family oriented town and had a good school system. He wanted to know if the future plans would be detrimental to the future of his family and their education.

Mr. Doyle replied that at the moment his property was not on the radar, but he would like the information on this property to be reviewed by the planner.

Mr. Schwinder directed Mr. Rosella to provide the information for Mr. Doyle to review.

Mr. Ken Hoffman, former Chairman of the Shade Tree Commission, residing at 61 Emwood Dr, approached the podium. He directed his questions to Ms. Bogart. He wanted to know how many communities Ms. Bogart had recommended for redevelopment and the results of those recommendations.

Ms. Bogart replied that she had done about 20 redevelopment consultations.

Mr. Hoffman asked, if in any of those cases, she had not recommended redevelopment. And how many of her redevelopment consultations did not meet the criteria for the designation "Area in need of redevelopment".

Ms. Bogart replied that she only provides information and recommendations but has no authority to issue redevelopment directives. Basically, she is only contacted when redevelopment stalls in a community.

Mr. Robert Petire of 6 Hawthorne Terrace, continued the Bonding issue in regard to Ms. Bogart.

Mr. Martin replied that Ms. Bogart was pre-qualified for this project.

Mr. Petire replied that Ms. Bogart was not bonded and walked off the floor.

Ms. Jill Mc Guire questioned why the hard work and dedication of the property owners was being overlooked. She stated that most people in Emerson agree that there is a need for affordable housing, but questioned why it was being concentrated in such a small area of the Borough. Was there not a better place to for this large redevelopment? She questioned the additional traffic created by the increased population, the costs that would be incurred for the additional students. Was it absolutely necessary for four story construction?

Ms. Phylcia Wallace asked why the property owners were not offered an opportunity to improve their lots.

Mr. Schwinder replied that only one of the property owners made improvements the property owned.

Ms. Danielle DiPaola, 93 Union Ave, approached the podium. Ms. DiPaola asked Mr. Doyle why the current owners could not be offered a tax abatement if they were to improve their properties.

Mr. Doyle replied that the property owners of Block 419 had had several years to improve their properties, but no one took advantage.

Ms. DiPaola wanted to know, why this was being done.

Mr. Doyle replied that the Borough wanted to be sure the Master Plan of 2004, could not be considered obsolete and therefore, the Ordinance was being updated to avoid any future challenge.

Mr. Tim O'Brian of 118 Dyer Ave., wanted to know about the responsibility of the Borough in regard to light outages and replacements as well as responsibility of the missing signs.

Mr. Doyle replied that the Borough is responsible for improvements and road conditions.

Mr. O'Brien stated that the Borough should lead by example.

Mayor Lamatina stated that the Borough was awaiting an \$800,000 grant for streetscape improvements.

Mr. Mark Santangelo inquired as to the improvements of Kinderkamack Rd.

Mr. Martin replied that that area was not under discussion at this meeting.

Mr. Doyle stated that there was no guarantee at this time as to what, if any, future redevelopment initiatives would come to the fore that would affect businesses in the Redevelopment Area beyond the area discussed tonight, but would publicize to the property owner(s) when/if their property could/would be affected.

Mayor Lamatina wanted Mr. Santangelo know that he could petition the Borough to have his property removed from the redevelopment plan.

Ms. Bogart confirmed that Mr. Santangelo had that option, and the town would analyze his application.

Mr. Schwinder told the board and public that it was getting late and the floor needed to be closed as the meeting had to end by 11:00 pm. Mr. Goursky made a motion to close the floor, Mr. Malone seconded the motion, all were in favor. The floor was closed to the public.

Mr. Schwinder asked for a motion on the matter before the Board. Mr. Goursky made a motion that the Board accept the Recommendation as per Ms. Bogart's proposals of December 8, which was seconded by Mr. McKendry. Roll call: All voted in favor.

Mayor Lamatina told the remaining public they would have the opportunity to speak at the Mayor and Council meeting of December 20.

Mr. Schwinder asked Mr. Doyle and Ms. Bogart to approach the bench, as there was one additional item to be discussed, which was the additional amendment to Ordinance 1525-16. and asked Ms. Bogart to explain.

Ms. Bogart explained that the Mayor and Council agreed that there should be a minimum 5 foot set back on the fourth floor of buildings facing Lincoln Blvd. and Kinderkamack Rd. She also stated that the Mayor and council wanted authorization to hire a traffic consultant to study the parking spaces and flow of traffic in the redevelopment area.

The floor was once again opened to the public by a motion from Mr. Kutzin, second by Mr. Goursky.

Ms. Jill McGuire again approached the podium and stated that she had seen a building by the chosen developer and thought it was an unsightly building and did not feel it should be a part of the Borough of Emerson. She also stated that she felt it was unfair to penalize the business owners in Emerson.

Mr. Goursky made a motion that the floor be closed to the public, second by Mr. Malone, all were in favor.

Mr. Schwinder asked for a motion in regard to the recommendations. The floor was opened to the Board and Mr. Adams stated that he did not approve the 5 foot setback on the fourth floor and did not know how he should vote on the matter. Mr. Schwinder told him to vote his conscience.

Mr. Kutzin wanted to know if the 5 ft. setback could be expanded. Ms. Bogart replied this was a recommendation only and that the Mayor and Council can expand the setback, which was confirmed by Mayor Lamatina.

Mr. Sudano wanted to know if the Land Use Board could recommend a larger set back than 5 ft. Mayor Lamatina mentioned that the depth had been considered at an earlier meeting, and further discussion could be brought up at a future Mayor and Council meeting.

Ms. Bogart stated that by increasing the setback, the studio apartments proposed for the fourth floor would then be decreased in size.

Mr. McKendry made a motion to accept the recommendation to hire a traffic consultant and impose a minimum 5 foot set back on the fourth floor, the motion was seconded by Mr. Sudano. A vote was taken. Mr. Adams abstained, all other present voted yes.

A motion to open the motion to comments from the public by Mr. Malone and seconded by Mr. Goursky, all were in favor. Seeing no hands from the public, Chairman Schwinder asked for a motion to close to the public. Mr. Malone made a motion to close, seconded by Mr. Goursky, all were in favor.

The floor was opened to the Board for Good and Welfare.

Mr. Schwinder asked the Board Members to review the proposed calendar for the 2017 sessions and let the Secretary know if there are any objections.

Hearing no other business from the Board, Mr. Schwinder asked for a motion to close the meeting, which was made by Mayor Lamatina and second by Mr. Sudano, all were in favor.

The meeting was adjourned at 11:35 PM.

Respectfully submitted.

Marie Shust
Interim Board Secretary