

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
January 3, 2019**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Land Use Attorney Chris Martin opened the meeting at 8:03 PM. 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

Mr. Evan Kutzin was given the Oath of Office by Mayor DiPaola. Mr. Kutzin had been appointed Class IV Board Member previously, but had not been sworn in. All other new Board members had taken the Oath of Office at the Mayor and Council meeting on January 2, 2019.

Mr. Martin asked for a nomination of Board Chairman, Gary Schwinder nominated Jeff Bischoff as Chairman, Don Pierro seconded the motion. Yes votes were cast by Mayor DiPaola, Ms. McGuire, Mr. Schwinder, Mr. Pierro, Mr. Kutzin, Mr. McKendry. Mr. Bischoff accepted the nomination and took the chair.

After introducing himself to the Board members and the public he nominated Gary Schwinder as his Vice-chair, the motion was seconded by Ms. McGuire. . Yes votes were cast by Mayor DiPaola, Ms. McGuire, Mr. Bischoff, Mr. Pierro, Mr. Kutzin, Mr. McKendry. Mr. Schwinder accepted the nomination.

Mayor DiPaola nominated Chris Martin and the firm of Morrison Mahoney as the Land Use Board Attorney, the motion was seconded by Mr. Schwinder. Yes votes were cast by Mayor DiPaola, Ms. McGuire, Mr. Bischoff, Mr. Schwinder, Mr. Pierro, Mr. Kutzin, Mr. McKendry. Mr. Martin thanked the Board and said he was happy to continue as the Board attorney.

Mr. Martin stated the next item on the agenda was the acceptance of the Budget in place, a motion was made by Mayor DiPaola, second by Mr. Kutzin. Yes votes were cast by Mayor DiPaola, Ms. McGuire, Mr. Bischoff, Mr. Schwinder, Mr. Pierro, Mr. Kutzin, Mr. McKendry.

Mr. Martin then asked for a motion to accept the current bylaws of the Land Use Board, which was made by Mr. Schwinder, second was offered by Mr. McKendry. Mayor DiPaola, Mr. Schwinder, Mr. Bischoff, Mr. Kutzin, Mr. McKendry voted to continue the existing bylaws. Ms. McGuire and Mr. Pierro abstained.

Mr. Bischoff stated that before the calendar was voted on he would like to change the hour the Board meets to 7:30. Ms. Shust asked if the meeting ending time would then be changed to 10:30. Mr. Bischoff said yes, a 3 hour meeting would be sufficient. Mr. Martin advised the Board that if necessary they could motion to extend any given meeting. It was noted that Mr. Tom Sudano had not been included in the previous votes. He was added to the roll call as a class IV Member. Mr. Kutzin made a motion to change the starting/ending hours, which was seconded by Mr. Schwinder. Yes votes were cast by Mayor DiPaola, Ms. McGuire, Mr. Bischoff, and Mr. Schwinder, Mr. Pierro, Mr. Kutzin, Mr. McKendry and Mr. Sudano.

Chairman Bischoff asked the Board if there were any comments/questions regarding the proposed meeting calendar for 2019. Hearing none, he asked for a motion to accept the calendar, which was made by Mr. Kutzin, Mr Schwinder made a second, all were in favor. Ms. Shust was directed to publish the calendar.

Since the reorganization meeting was completed, the regular meeting could begin, the attendance was taken.

Mayor DiPaola	Present
Jill McGuire	Present
Vice-Chairman Gary Schwinder	Present
Chairman Jeff Bischoff	Present
Michael DeOrio	Absent
Don Pierro	Present
Evan Kutzin	Present
Doug McKendry	Present
Mike Myers	Present
Bill Loschiavo	Present
Mike Cimino	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Absent
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Secretary	Present

Mr. Bischoff asked for a motion to accept the minutes of the meeting of December 6th, which was made by Mr. Cimino, second by Mr. McKendry. They both voted yes to accept and since they were the only eligible board members present who were at the meeting of Dec 6, the minutes were accepted.

Mr. Bischoff asked for a motion to accept the minutes of the meeting of December 28th, which was made by Mr. Schwinder, second by Mr. McKendry. Mr. Schwinder, Mr. McKendry, Mr. Cimino voted yes to accept and since they were the only eligible board members who were present at the meeting of Dec 28, the minutes were accepted.

Ms. Shust gave Mr. Bischoff a letter of resignation from Mr. Malone. Mayor DiPaola stated she had received that letter as well the day before, and had not appointed anyone to finish his term as yet. Mayor DiPaola made a motion to accept Mr. Malone's resignation, which was seconded by Mr. Schwinder, all were in favor. The resignation was accepted.

Ms. Shust advised the Board there was a copy of correspondence from the Westwood coalition in their packets. Mr. Martin advised the Board that the Mayor and Council were addressing the communication and the Board did not have to respond.

Ms. Shust then read the vouchers.

Vouchers

3-Jan-19

12/14/2018	18-01894	Shust, Marie	reimburse shipping exp Conflict Eng	\$	38.60
12/13/2018	18-01881	Boswell Eng.	160 Palisade 715/3.01	\$	39.50
12/13/2018	18-01881	Boswell Eng.	156 Palisade 715/2.01	\$	38.50
12/13/2018	18-01881	Boswell Eng.	Emerson Redev BI 419	\$	2,528.00
12/13/2018	18-01881	Boswell Eng.	137 Linden 126/5	\$	474.00
12/7/2018	18-01854	North Jersey Media	Special Mtg Notice	\$	60.00
12/7/2018	18-01854	North Jersey Media	Special Mtg Notice	\$	31.78
12/6/2018	18-01838	North Jersey Media	166 Palisade 715/4.01	\$	21.31
12/6/2018	18-01838	North Jersey Media	166 Palisade 715/4.01	\$	39.79
12/6/2018	18-01839	Morrison Mahoney	166 Palisade 715/4.01	\$	292.50
12/21/2018	18-01938	Morrison Mahoney	Emerson Redev BI 419	\$	2,125.00
12/20/2018	18-01920	Morrison Mahoney	Armenian Home 70 Main St.702/6 & 7	\$	468.00
1/3/2019	18-01955	North Jersey Media	Sp. Mtg. 12/28	\$	66.36

TOTAL \$ 6,223.34

Mr. Schwinder made a motion to accept the vouchers for payment, second was made by Mr. Sudano, all were in favor.

Resolution: The Armenian Home, 70 Main St.

Since this matter might come before the Mayor and Council, the Mayor recused herself from the Board. Mr. Kutzin also recused himself. Mr. McKendry had to leave.

Mr. Bischoff asked Mr. Allen Bell of Jacobs and Bell to approach the podium, so the matter of the Armenian Home Resolution could be addressed. Mr. Bell introduced himself to the Board. He advised them that the construction of The Armenian Home had been delayed due to changes in regulations by the State.

He reviewed the background, where approval was originally granted in 2012, then the State changed some of the regulations for nursing homes and new plans had to be provided and approved. He reminded the Board that an extension to April 2019 had been applied for and granted. He introduced Mr. Ted Anderson of Hackensack Meridian Health. Mr. Anderson addressed his position as Project Manager, overseeing construction of new and rehabilitated health facilities. He said that Hackensack Meridian is a partner in this venture as the new operator, but the Armenian Home will own the new facility.

Mr. Martin asked Mr. Ascolese if he deemed the revised plans as minor based on the information that had been received. Mr. Ascolese stated that the changes that had been presented would be deemed as minor.

Mr. Bell asked Mr. Anderson to continue. Mr. Anderson stated that Hackensack Meridian and The Armenia Home were looking forward to positive changes through this partnership.

Mr. Schwinder asked about the employees, would they be employed by The Armenian Home or Hackensack Meridian. He was told all employees will work for Hackensack Meridian Health.

Mr. Bell said he was hopeful the State would approve the modifications quickly and they would have shovels in the ground before March. When asked about the length of time it would take for construction to be completed he replied 26 months for the new construction, after which they could begin the demolition of the old building.

Mr. Barry Brommer, principle of Brommer Architects, LLC distributed drawings to the Board which show the changes made. He pointed out the patio and courtyard areas which were either new or expanded.

Mr. Ascolese asked about the increase in square footage if there was no change in the footprint. Mr. Brommer responded that there are changes made to the basement area, which would include storage, physical therapy, kitchens and laundry. The facility would be reduced from 120 beds to 118, due to the new requirements.

Mr. Ascolese inquired about the Pilot agreement between Emerson and the Armenian Home. Mr. Bell pointed out that in the original agreement, there were tiers indicating responsibility. The tier for The Armenian Home was between 100 and 120, therefore the reduction of 2 beds would have no effect on the agreement.

Mr. Brommer continued that one of the changes was the double wall corridors, when asked for an explanation; he continued there would be bedrooms on both sides of the corridors. He also explained that one of the changes the State mandated was a 4 x 8 ft. area for each bed, which resulted in each room being increased in size. Additionally, a 3 piece bathroom would be provided in two bedroom units, rather than 2 pieces. Mr. Bischoff agreed that was a good change.

Mr. Brommer continued there would be a dementia unit, and enlarged physical therapy facilities in the basement. Mr. Martin asked if there would be bedrooms in the basement and was told "No."

Mr. Martin asked if the high water table had been considered when expanding the basement. Mr. Ascolese added the area was prone to flooding 2-1/2 to 3 feet. However since the home had addressed the drainage he has not heard of any recent flooding. He wanted to be sure the basement expansion would not change the improvements that had already been made.

Mr. Martin stated that he had included the drainage issue in the original Resolution and it would be a part of the construction. He also told Mr. Bell that all construction must conform to the requirements of the current Borough Ordinances and the Engineer's specifications.

Mr. Ascolese asked about loading docks and truck traffic. Mr. Brommer told him there was no change from the original plans in that regard.

Mr. Bell made note that most of the rooms would have windows which would be beneficial aesthetically to the patients. Mr. Brommer assured the Board that there was no change in height or elevation, the only exterior change is some additional windows. Mr. Martin reminded Mr. Bell that any material changes would have to be brought before the Board.

Mr. Pierro asked what other State regulations were adjusted. Mr. Brommer replied that as previously mentioned the area around the beds was increased for more comfort and privacy, as well as the 3 piece bedrooms. All areas are ADA compliant.

Mr. Ascolese asked about a backup generator. Mr. Brommer replied it is on the site plan, Page 1, dated 11/20/15 which was marked as Exhibit A-2. Mr. Ascolese mentioned it was on the rear on the property

and asked if it was enclosed. Mr. Brommer replied it is a full facility generator in its own enclosure and at the location indicated in the original plans. When asked if it had been approved by the utility companies, he was told it was still to be addressed.

Mr. Martin reminded Mr. Bell that the decibel levels would have to meet the specifications of the Borough and the Borough Engineer.

Mr. Ascolese asked about the curbs and sidewalks. Mr. Anderson replied that it was not shown on the drawings, but there are walks on Main St. Mr. Martin stated that the Resolution that was to be voted on that evening did include walks and curbs in accordance with the Borough Ordinance that is effect at this time.

Mr. Bischoff asked the Board if they had any additional questions. Mr. Schwinder wanted to know how the square footage was larger if the foot print had not changed. Mr. Brommer told him they were opening an additional part of the basement.

Mr. Ascolese asked how big the basement would be he was told it would be the same size as the main building. Mr. Ascolese told Mr. Brommer and Mr. Bell that he needed the dimensions and drawings of the expanded basement.

Mr. Pierro asked if there were plans for the revised basement. Mr. Brommer referred to Page 2, Exhibit A-3 for the basement and area of expansion, and page 3, Exhibit A-4 which is the first floor floorplan. He then referred to Page 5, marked as Exhibit A-6 for the exterior elevation.

Mr. Martin asked Mr. Ascolese if with all this information, he still considered the change to be minor. Mr. Ascolese responded the changes to the courtyard and walls are still considered to be a minor change.

Mr. Martin reminded Mr. Bell about the extension date previously granted. Mr. Bell respeated he hoped there would be shovels in the ground by March.

Mr. Bischoff asked if the Resolution could be voted on by the entire Board or only those members present from the previous Board. Mr. Martin stated that since there had been a thorough presentation of the project and the change, the entire Board could vote.

Mr. Schwinder made a motion to memorialize the Resolution as written. Mr. Sudano offered the second. Mr. Schwinder, Mr. Bischoff, Mr. Myers, Mr. Loschiavo, Mr. Cimino and Mr. Sudano were in favor. Ms. McGuire and Mr. Pierro abstained. Mayor DiPaola and Mr. Kutzin had been recused. The Resolution was approved.

Mr. Martin asked Mayor DiPaola and Mr. Kutzin to return to the Board. He stated that Morrison Mahoney has issued new rates for the year 2019, which had been reduced to \$ 150.00 per hour. Mayor DiPaola thanked Mr. Martin. Mr. Schwinder made a motion to accept the new rates, second by Mr. Pierro, Mr. Schwinder, Mayor DiPaola, Ms. McGuire, Mr. Bischoff, Mr. Sudano, Mr. Pierro, Mr. Kutzin, Mr. Myers all voted aye.

Mayor DiPaola advised all the new members that there are classes that must be taken. Ms. Shust had provided some preliminary information regarding the requirements and one available date for the classes. Ms. Shust advised Mayor DiPaola that she had not been able to locate classes being held on a Saturday, but would continue to look.

Mayor DiPaola asked Mr. Martin for the time frame. Mr. Martin replied that the classes must be taken within three months of appointment. Mayor DiPaola asked about recertification and the time frame after

which the classes must be retaken. Mr. Martin advised he would check the current regulations and get the information to her.

Mayor DiPaola then reminded the Board members to get their contact information to Ms. Shust, so a mailing group could be set up

Mayor DiPaola made a motion to open the floor to the public, Mr. Kutzin made the second, all were in favor.

Councilman Ken Hoffman approached the podium. He congratulated all the incoming Board members, and thanked Mr. Schwinder for his thoroughness as past Chair. He reminded the board that the past election was a referendum by the residents and to please keep their needs and wants in mind when making decisions.

Since there were no other hands, Mr. Kutzin made a motion to close the floor, second was made by Mr. Pierro, all were in favor.

Since there was no other business, Mr. Bischoff asked for a motion to adjourn the meeting, which was made by Mr. Schwinder, second was made by Mayor DiPaola, all were in favor.

The meeting was adjourned at 9:13pm.

Respectfully submitted,
Marie Shust
Board Secretary