MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
SPECIAL MEETING, FRIDAY, DECEMBER 28, 2018

This special meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 7:10 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

Roll Call:

Robert Adams	Absent
Alban Bresa	Present
Fire Chief Tom Carlos	Absent
Mike Cimino	Present
Michael DeOrio	Present
Gary Goursky	Absent
Louis Lamatina, Mayor	Absent
Evan Kutzin	Absent
Steven Malone	Present
Doug McKendry	Present
Norman Rieger	Absent
Thomas Sudano	Absent
Gerry Falotico, Councilman	Absent
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Not Requested
Bridgette Bogart, Borough Planner	Not Requested
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Also present was Renee Russo, court reporter.

Chairman Schwinder announced to the Board and the public that this special meeting was for the purpose of voting on a Resolution to memorialize the vote to approve the Site Plan Application by Emerson Redevelopment Urban Renewal, LLC as it relates to the redevelopment of Block 419 (Kinderkamack Rd between Lincoln Blvd. and Linwood Ave.), held at the special meeting of the Land Use Board on December 10, 2018.

Mr. Martin gave a brief explanation of all of the conditions that are attached to the Resolution, including final elevation designs (4 sides) and color approval by a “to be formed” sub-committee created by the Governing Body; plans and specifications being approved by the Borough Engineer and Borough Planner- in conformance with borough Ordinances and Ordinances & Laws of the County of Bergen and State of New Jersey; no variances; meeting all EPA requirements; meeting all ADA requirements; meeting all conditions of the Redevelopment Agreement as well as the pending Developer’s Agreement; all of which are detailed in the Resolution, a copy is attached to this document.

Mr. Martin further explained that if there were any material changes to building construction, sidewalks, it would have to be brought before the Land Use Board. He stated that safety must be observed at all times, including fences around the construction project; notification of route changes due to heavy equipment on site, etc.

Mr. McKendry asked for clarification of the term “as of right” on page 3. Mr. Martin said that if there is any deviation from the plans, the applicant must apply for a variance and stop work until it is heard and approved.

Chairman Schwinder said that on page 18, item BB, there is a typo which should read 9’ 6”.

Mayor Elect DiPaola asked for a point of order in regard to the subcommittee. She stated that at the meeting of the governing body, it was determined the sub-committee would consist of members of the governing body only. Mr. Martin explained that it would be beneficial to the Borough to include a member of the Land Use or someone familiar with construction, engineering, development, rather than accountants or other professionals. He stated their knowledge would be of immense value.

Chairman Schwinder asked for a motion to open the floor to the public, which was made by Mr. Malone, second by Mr. Cimino, all were in favor.

Mr. Peter Flannery of Bisgaier Hoff, LLCF, 25 Chestnut St, Suite 3, Haddonfield, the applicant’s attorney, asked to address some conditions in the Resolution. He stated his client was appreciative of the work done and the content of the Resolution.

Mr. Flannery further stated that he would have a corrected version of the court Reporter’s minutes issued with the corrected percentage of units at 15% rather than 50%.

He thought the 2” snow removal specification was too low. He would like to see it conform to the same specifications as Starbuck’s. Mr. Martin advised him there was a different situation in the development where there would be more foot traffic. He said a plowed accumulation of 2”over the entire surface of the property would cause hazards to both pedestrians and drivers. Mr. Bresa commented he thought the 2” was too low as well, and the DPW would be kept quite busy in trying to keep the 2” limit cleared. Chairman Schwinder advised Mr. Bresa and the public, that since this would be private property, the DPW would have no responsibility for snow or trash removal. It would be the responsibility of the developer.

Mr. Flannery continued that the traffic impact statement would be provided. He then stated that his client in in agreement with the sub-committee appointments as long as it was consistent with the Redeveloper’s Agreement.

Chairman Schwinder advised Mr. Flannery and the public that the 3rd amendment to the Redeveloper’s Agreement had been decided in a private session, and a Land Use Member was not mentioned as a member of the committee. Ms. DiPaola said the Land Use Board was not included. She said it was her understanding that as Mayor, she could form a sub-committee for one year. She further stated that Mr. Klugmann had promised consideration of the colors, cornices, and architectural design which would be more appropriate to the Borough appearance.

Ms. DiPaola continued that she was able to review the Resolution and did not understand how the Board could possibly pass the application with so many conditions, and all the responsibility laid to the Borough Engineer and Planner. She stated more should have been decided by the Land Use Board.

She thanked Mr. Martin for his consideration of the Borough with the inclusion of a 2 inch snow removal.

Ms. Lorraine McQueeney of 115 Grand Ave came before the Board and read the ISRA act of 1983 to the Board. She said she was unable to find a completed report on file for the property of the removed gas station on lot 5 block 419. She continued that it was reckless to vote for final approval without a final ground testing

report. She thought an evaluation by a professional remediation firm should be done. She knew the budget of $11,500.00 proposed for the testing was much too low. Mr. Martin advised Ms. McQueeney that the ISRA did not apply in this situation. Ms. McQueeney responded the Borough, by continuing without testing, it was exposing the Borough residents to unknown dangers.
.
Mr. Sarkesian approached the podium and told the Board he agreed with the 2" snow removal. He said he had fallen a couple of years ago and hurt himself quite badly, and was very cautious ever since. He thought the designation would be good protection for seniors.

Jeff Bischoff of Park Avenue, stated there seem to be a lot of "to do's", and the application is open ended. He thought there were too few "specifics" and too many unanswered questions. He said he expects there will be several variances requested, especially along Lincoln Blvd.

Mr. Martin advised Mr. Bischoff that the applicant would have to return to the Land Use Board if any variances are required.

Ms. Mary Setaducatti said this proposal is a nightmare. The traffic light at Kinderkamack and Linwood is still not adjusted correctly. What is traffic going to be like when they start closing roadways for construction? How long will it take to travel through Emerson? What about the residents whose streets will become a thoroughfare? What about their quality of life. Why weren't the residents more involved in the planning of this project? She stated that the recently completed road widening project has already cost businesses. What is going to happen with this project? Where are these people going to go? Emerson is a town, not a city that requires four story apartment buildings.

Mr. Jim Collis, 165 Crest Rd. asked if it were true there is an Ordinance in town that this Resolution can be appealed to the Mayor and Council within 10 days for review, revocation or adjustment?

He said he thought the public safety and traffic were in jeopardy. Where was the ambulance to be stationed? Mr. Martin advised him the Ambulance location is not part of the Land Use jurisdiction and that would be the governing body's jurisdiction.

Mr. Collis referred to the devastating fire in Edgewater. Mr. Martin told him Avalon Bay had been up to the codes in effect at the time of the fire. He said he was grateful there were no lives lost in that fire.

Mr. Martin stated that the complex would have to meet all of the codes of the Borough and the Building Inspector as well as the Borough Engineer would be inspecting during each step of construction.

Mr. Collis wondered what effect a four story building would have on the safety of the residents of the complex and the response to emergencies in other areas of town. Mr. Martin replied these were all good points.

Mr. Collis further stated that with approximately 400 new residents in these 147 units, what effect would it have on the infrastructure, the roads, the schools, the traffic, pedestrian safety. He said a traffic study was not done, if it had been, this complex would not be considered. He said right now it could take 7 minutes to go East-West on Lincoln Blvd, with this development it could take 25 minutes. The trains cause a 4 to 5 minute delay just for the gates to go up and down, that is without a stop at the station.

Chairman Schwinder advised Mr. Collis that the developer is responsible for routing around the construction and any notices of delays and detours must be advertised in advance. Mr. Martin said the State and County must also be advised of any changes since it involved County and State right of ways.

Chairman Schwinder replied to the matter of the schools and advised Mr. Collis and the public that the project consists of mainly one bedroom apartments, which was purposely done to eliminate any strain on the school system. Mr. Collis replied that he had been in real estate too long to believe there would not be families even in one bedroom apartments.

Jill McGuire of 154 Linwood Ave said she had been at many meetings since the inception of this project. The increase of the Borough Ordinance to a fourth floor for the CBD10 was to eliminate variances. Why would there still be the possibility of additional variances. She also stated that this development was now being constructed by an entity of which the Borough had no knowledge; their background, quality of construction, reputation. She said the new administration had their hands tied with the fast track approval of this application.

Ms. McQueeney returned to the podium agreeing with Ms. Mc Guire that the addition of Accurate Builders as a 51% shareholder in the Redevelopment company is an unknown. Mr. Martin replied that the developer is subject to the terms of the Redevelopment Agreement and the upcoming Developer's Agreement.

Chairman Schwinder stated that the floor would now be closed to the public and asked for a motion to do so, which was made by Mr. McKendry, second by Mr. Bresa, all were in favor

Chairman Schwinder then asked for a motion in regard to the Resolution as presented. Mr. McKendry made a motion to approve the Resolution, second was made by Mr. Bresa. Mr. Bresa, Mr. DeOrio, Mr. Malone, Mr. McKendry, Chairman Schwinder all voted yes. There were no nays or abstentions. The Resolution was approved.

Chairman Schwinder asked if there was any other Board business, hearing none, he asked for a motion to adjourn the meeting, which was made by Mr. DeOrio, second by Mr. Bresa, all were in favor.

The meeting was adjourned at 8:15 pm.

Respectfully submitted,
Marie Shust
Board Secretary