

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
SPECIAL MEETING, MONDAY, DECEMBER 10, 2018**

This special meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 7:25 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	Present
Alban Bresa	Present
Fire Chief Tom Carlos	Absent
Mike Cimino	Present
Michael DeOrio	Present
Gary Goursky	Absent
Louis Lamatina, Mayor	Present
Evan Kutzin	Absent
Steven Malone	Present
Doug McKendry	Present
Norman Rieger	Present
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB 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

Also present was Renee Russo, court reporter.

Chairman Schwinder announced to the Board and the public that this meeting was for the purpose of hearing the application of Emerson Redevelopment Urban Renewal, LLC in regard to the development of Block 419 (Kinderkamack Rd between Lincoln Blvd. and Linwood Ave.)

Mr. Martin advised Mayor Lamatina and Councilman Falotico that they would have to step down from this hearing.

Chairman Schwinder asked the applicant's attorney to come before the Board and make the presentation.

Mr. Peter Flannery of Bisgaier Hoff, LLC, 25 Chestnut St, Suite 3, Haddonfield, NJ, briefly explained the background of the redevelopment plan, its inception in 2004, and subsequent changes in 2006, 2016 and the Fair Share settlement in 2018.

He stated the property under the plan consists of lots, 1 – 4, 6.01 & 6.02, and 7-10 in block 419 in the CBD. He stated the Fair Share Housing element was a key component in the plan, which includes 147 apartments on the 2-4 floors, retail on the first floor, and a parking garage for residents and commuters.

Mr. Flannery stated he had three witnesses who would be testifying on the application: Mr. Wayne Corsey of Bowman Consulting as the applicant's Professional Engineer, Mr. Charles Olivo of Stonefield, who is a professional traffic engineer and Bill Devereaux and Angela Kostelecky of Devereaux and Associates.

Mr. Corsey approached the Board, however, Mayor-Elect DiPaola asked for a point of order before the presentation continued. She wanted to know why the Mayor and Councilman were asked to step down. Mr. Martin replied it was to prevent a conflict if the governing body were involved in litigation. Ms. DiPaola then asked if that would apply to future situations. Mr. Martin replied that if there were 'D' variances or other matters in an application that would eventually come before the Governing Body, the Mayor and Councilman would be asked to step down.

Mr. Martin advised Mr. Flannery that the Affidavit of Service was marked as exhibit A-1.

Mr. Wayne Corsey of Bowman Engineering Assoc. introduced himself and briefly described his background of 25 years in engineering and planning. He also confirmed that he has appeared before other Boards in New Jersey including Montvale, Oradell, Hackensack and Morristown, and was licensed in New Jersey.

Mr. Corsey presented an aerial rendering of the area which was marked as exhibit A-2. The rendering displayed the 432 foot area along Kinderkamack Rd., not including 87 feet front of lot 5, 294 feet along Lincoln Blvd, and 105 feet along Linwood Ave. He explained the building would be along Kinderkamack Rd, with access into the area from Lincoln Blvd and Linwood Ave through the Kenneth Street right of way. The parking would be in the rear as well as in the garage.

Mr. Corsey went on to the landscaping plan, marked exhibit A-3, which would conform to the Ordinance in the Borough regarding the streetscape. He stated there would be parking for 308 autos, which includes 73 surface, 235 in the garage. There would be 10 handicap spaces included. The building would consist of 14,700 square feet of retail on the first floor and 147 residential units, including 22 units dedicated to Fair Share Housing on the second through fourth floors.

Mr. Bresa asked if Kinderkamack Rd was to be widened. Mr. Corsey advised him it would not.

Mr. Ascolese added that the corner of Lincoln Blvd. and Kinderkamack Rd had to be improved as it was too tight, and utility poles have to be moved to protect against damage to the poles and the buildings.

Mr. Corsey and Mr. Ascolese discussed the diameter of the storm water drain and the flooding problem that existed along Lincoln Blvd between the tracks and Kinderkamack Rd. Mr. Corsey told the Board that the construction would maintain the existing width of the drainage pipe throughout the project and the drainage would be in the lands behind the DPW. He added that the addition of shade trees and the root system would also aid in the reduction of standing water. He then went on to the lighting. He said the pole lights would be 12 ft. tall and the light would point downwards and not interfere with the residents. Mr. Flannery wanted to know if the lighting conformed to the Borough Ordinance and was told yes by Mr. Corsey.

He continued that all the utilities would be maintained by the utilities companies, PSE&G and Suez Water.

Mr. Ascolese asked about the square footage for the retail and was told 14,700 sf. Mr. Ascolese asked about the parking building height and was told four stories; additional information would come from the architect.

Ms. Bogart wanted to know if the handicap ramps would conform to the streetscape. Mr. Cimino asked about the storm water into the ground and the size of the new drain. Mr. Martin asked Mr. Ascolese if he thought the capacity of the retention pit was adequate. Mr. Ascolese answered he thought the capacity was sufficient.

Mr. Bresa wanted to know if there was a schedule for the lighting. Mr. Corsey said since it was a 24 hour commuter facility, the lights would be on all night, but since the lighting is funneled downward, it should not affect residents. Mr. Bresa had additional questions regarding the lighting and was told to direct them to architect when he came to testify.

Mr. Sudano asked for confirmation of the parking capacity, he was told 308 autos, which includes 73 surface, 235 in the garage, including 10 handicap.

Before the next witness Mr. Martin asked Mr. Ascolese if he saw any engineering variances in the plans. Mr. Ascolese replied he saw none on the drawings.

Seeing no other hands Mr. Schwinder asked Mr. Flannery to introduce his next witness. Mr. Charles Olivo, Traffic Engineer for Stonefield Engineering, 92 Park Ave, Rutherford, NJ. Mr. Olivo described his credentials, stating he had a Bachelor of Science degree in Civil Engineering, was a licensed professional engineer in Maine, Florida, Connecticut, New York & New Jersey. Mr. Martin asked if he was also a consultant for NJDOT. Mr. Olivo replied yes and he was also a Certified Professional Traffic Operations engineer certified by the Inst. of Transportation Engineers. Licensed 12 years in New Jersey.

Mr. Olivo stated the new project would have no street access from Kinderkamack Rd. The only access on Kinderkamack Rd would be the current entry to the building on lot 5. All other access would be from Lincoln Blvd and Linwood Ave. He went on to explain the ratio of parking spaces and the percentage of reduction due to shared parking. He further stated that being on a transit line, he did not foresee an increase in pass by traffic.

Mr. Flannery asked him about access via Lincoln Blvd. Mr. Olivo replied he did not see a "queuing" issue on Lincoln Blvd. He said there would be a garage gate system at the bottom of the ramp. Mr. Martin asked Mr. Ascolese, Ms. Bogart and Mr. Flannery if this access would be an issue. Mr. Flannery said the architect could better answer any questions regarding the access. Mr. Olivo continued that the retail would be neighborhood stores and restaurants, not an anchor type business.

Mr. Ascolese wanted to know if Mr. Olivo had been on site during commuter hours, and when the trains passed through. What is the impact on the intersections?

Mr. Olivo said this was a pass through location and the parking would be sufficient. Were this in an urban area, the parking requirements would be much higher.

Mr. Ascolese asked if there was a traffic statement to which he received a "no" reply.

Ms. Bogart wanted to know if ADA handicap spaces were provided, and was told this would be addressed by the architect.

Mr. Malone asked if the upper parking levels were for residents and lower for commuter and retail. Mr. Ascolese stated the 2016 plans designated 55 spaces for commuters. Mr. Olivo replied there were 73 provided for commuters using a permit from the hours of 7 am to 6 pm. This increase was due to the shared parking. Mr. Ascolese asked about the parking garage operations and was told the Architect would respond to that question. Mr. Martin asked if trips per hour during peak hours of 7 am to 9 am and 4 pm to 7 pm would be 100? Mr. Olivo replied yes as well as Saturday hours of 11 am to 2 pm.

Mr. Flannery then asked one of his two architects Angela Kostelecky of Devereaux and Associates 1477 Cambridge Ave., Mc Lean, VA. She said she was an AIA for 25 years, licensed in VA, PA, NY NJ, and has appeared before Boards in Plainfield, Raritan, Cherry Hill and other localities. Mr. Wayne Devereaux of the same firm was introduced. He is a licensed architect in NJ, MD, NC WVA, and MA Ct, NY for 35 yrs. and is now retired.

Mr. Devereaux introduced drawings marked Exhibit A-4 and A-5, revised 12/10/18, which showed an alteration to the original plans to include a connection between all of the apartments except for those facing Lincoln Blvd., and the additional of a fitness center on the corner of Kinderkamack Rd and Lincoln Blvd.

Drawings of the floor plans, revised 11/15/18, were shown and marked as Exhibit A-6, there was no floor plan for the required three bedroom apartment at this time.

Drawings of the elevation were introduced and marked as Exhibit A7. Colorized renderings of the exterior finish of the project were introduced and marked as Exhibit A8.

Mr. Schwinder wanted to know if there was a drawing of the northern or southern elevation, and was told they only had renderings of Kinderkamack Rd.

Mr. Flannery asked Mr. Devereaux to describe the method of trash collection. Ms. Kostelecky explained there would be no dumpsters, but a private pick up of roll-out containers, using a pass-through under the apartments.

Mr. Flannery asked Ms. Kostelecky about the height of the building. She replied that it was in conformance with the Borough Ordinance plus 5 feet for the cornices. For a total of 54 ft.

Mr. Ascolese asked about the 8 ft. drop on Kinderkamack Rd from Lincoln Blvd to Linwood Ave., and how that would be addressed in the construction. He also indicated that the 5 ft. parapet was only allowed over 66% of the construction. Mr. Ascolese then addressed the trash pickup. He asked how a porter was going to handle trash for 147 apartments plus the retail/food. Ms. Kostelecky replied there was a compactor in the container room. Mr. Ascolese wanted to know about the truck that would be making the pickups; the size and how it would navigate the turns. Ms. Kostelecky said there would be wheeled waste containers and the pickup company would be using smaller trucks than they do for dumpsters.

Mr. Ascolese asked if the parking area was gated and was told only at the ramp. He then referred to the corner of Lincoln Blvd and Kinderkamack Rd and wanted to know if the turning ratio had been increased as there had been several incidents at the corner since it was so tight. He was told there would be a 17 ft. set back and per Mr. Schwinder's suggestion would add bollards to the corner.

Mr. Schwinder asked if the severe flooding that occurs at times on Lincoln Blvd between Kinderkamack Rd and the tracks was being addressed. Mr. Martin reminded the applicant they would have to meet the requirements of the Board Engineer and to be sure the floor prevention measures were included in the design.

Mr. Ascolese wanted to know how many stores were being considered. He reminded the applicant that medical was not permitted in the site. Mr. Corsey answered it would depend on the individual tenants and how much space they would require.

Mr. Ascolese asked if there would be a platform access to the trains, and was told there was none in the plans. The commuters would have to walk to the existing station. Mr. Ascolese asked if there had been any contact with NJT regarding the addition of a platform on the site. Mr. Corsey said they had not been in touch with NJT but knew they usually did not allow access on private property. Mr. Schwinder asked if they would be willing to work with the Borough to try to set up a platform on the site.

Ms. Bogart addressed the Fair Share Housing. She said of the 15% of the 147 apartments, there would be 2 studios, 15 – 2 bedrooms units and 5 -3 bedroom units. She said the Administrator would determine how to allocate the apartments based on income and need.

Ms. Bogart also wanted to know about the van accessible handicapped parking spaces, were they included in the ten or are there additional spaces. Mr. Devereaux pointed out two separate van accessible spaces for a total of 12 handicap spaces. Mr. Bogart then referred to the entrance elevation and the parapet measurement Ms. Kostelecky replied it was a flat roof and the parapets kept the mechanicals out of sight. Ms. Kostelecky said that could be incorporated. Ms. Bogart wanted to know if they planned on naming the project and having signage indicating that. Ms. Kostelecky said that all signs would conform with the Borough Ordinances.

Mr. Ascolese asked about the signage and streetscape for lot 5, was that included and was told it was not.

Mr. Ascolese also inquired as to the monitoring of the wells on the property. Mr. McKendry asked for an explanation regarding the wells and was told the wells had been installed several years ago for the monitoring of the quality of the water, due to a prior gas station tenant.

Mr. Schwinder referred to the drawing in regard to retail deliveries. He said the renderings showed deliveries through the rear doors. Mr. DeOrio asked about the parking deck and snow removal. Mr. Schwinder noted that there was no designated snow storage area. Mr. Bresa noted that currently the snow is being removed. Mr. Schwinder asked Mr. Ascolese about the snow removal designation for Starbucks. Mr. Ascolese replied he believe the snowfall amount was 6 inches. Mr. DeOrio thought it was less than 6.

Mr. Adams directed Ms. Kostelecky to the height of the frontage of the building. He reminder her that the Ordinance designation is 40 ft. as the maximum height with the 5 ft. additional for the parapets. MS Kostelecky replied they would lower the height by 4 inches to meet the ordinance.

Mr. Devereaux stated they would reduce the height of each floor by one inch to meet the ordinance.

Mr. Adams continued that the garage is actually five floors, not four as indicated. Mr. Ascolese confirmed that the top floor is an uncovered parking area.

Mr. Adams asked about the height as Lincoln Blvd went on a downslope. Mr. Devereaux said he would check the heights on Lincoln Blvd.

Mr. Adams also referred to drawing A220, Apt D, revised 11/15/18. Mr. Devereaux said it was still a concept and the final rendering had not been decided.

Mr. Ascolese reminded the applicant that there is a 6 feet difference between Kinderkamack Rd and the tracks at Kenneth St. Mr. Schwinder stated that the front doors on the Lincoln Blvd side apartments are at ground floor, just inches off grade. He reminded the applicant of the flooding in this area and wanted to be sure those apartments would be safe from flood waters.

Mr. Corsey stated that they would continue the 42" conduit through the site southward to behind the DPW. Mr. Schwinder reminded the applicant that the storm drains would be in front of the planned apartments in the middle of the Lincoln Blvd concept, and wanted to be sure the history of the area had been considered.

Mr. Corsey confirmed the 42 inch conduit and said the Lincoln Blvd side would be designed with stoops and stairs to eliminate the flooding problem in the apartments.

Mr. Ascolese said the County had installed an 8 inch curb and wanted to be sure that design was continued throughout the design.

Mr. Sudano asked about any proposed restaurant and the dumpster area for that entity. Ms. Kostelecky said a private haling company would come more often to remove restaurant waste.

Ms. Bogart clarified the number of apartments required for the Affordable Housing Element. She said there would be 22 apartments on site and 7 apartments off site which was agreeable to the Court Master.

Mr. Schwinder asked for a motion to open the floor to the public which was made by Mr. McKendry. Ms. Russo, the court reporter, asked for a break, a three minute break was granted...

When the meeting resumed, Mr. Bresa made a motion to open the floor to the public, second was made by Mr. De Orio, all were in favor.

Mayor Elect Daniel DiPaola approached the podium and showed the difference in the original rendering and that presented at the meeting this evening. She said the election was a referendum on the redevelopment and the view of the people of Emerson. She asked Ms. Bogart about the existing new building and its incorporation into the new development.

Ms. Bogart replied that at the time that building had been constructed it met with the standards in effect.

Ms. DiPaola asked Ms. Bogart if she thought – as a planner – that the design and incorporation of the existing building – was appropriate.

Mr. Jeff Bishop of 865 Park Ave. wanted to know if a traffic study had been done and was told no. He further stated that before approval of the development the Borough should have one done. He also stated that since there was to be a relief of the flooding on Lincoln Blvd. would the water then be dumped into the DPW property and create flooding there.

He further stated that the thought there would be 25% reduction in parking and traffic was not true. He said more people would be traveling to the parking garage. He said the election was based on one issue. He said parking is an existing problem and appears it will continue with the new development.

Mr. Bishop further stated that it was hard for him to believe that a 147 unit development would be variance free. He also stated that the Board was reviewing this final site approval prematurely, and should wait for a final concept.

Mr. Schwinder advised Mr. Bishop and the public that every meeting of the Land Use Board and all boards are open to the public... He said the development was also contingent on the review and approval of the County.

Mr. Bishop asked how this can be final with all the unanswered questions. Mr. Schwinder responded that this was a variance free application, and there was nothing to prevent the Board from voting on it.

Mr. Mike Meyers of 38 Addison Way addressed the traffic. He said how could you consider at least 55 additional cars not an impact on traffic. He did not think shared parking would work. He also wanted the Board to face reality that each apartment would have two cars, and not the one projected by the developer.

Mr. Devereaux brought up the fact that the complex would have a fitness center on the corner of Kinderkamack and Lincoln Blvd. Mr. Myers wanted to know how that would affect the fitness center currently in the building on lot 5.

Mr. Meyers went on to ask about the potential retailers would there be more pizza parlors, and banks. He said this redevelopment was not to the benefit of Emerson.

Ms. Corey Melillo, 18 Vivian Ave thought this project was a “bait and switch”. She said the original change to the ordinance was to allow the developer the 15% units in the project. Since all 15% are not included in the project why are they allowed the extra story? Further she asked about access to Lot 5 and the residential units, what is happening to their lot and parking, what about their dumpster/trash removal. Mr. Schwinder assured Ms. Melillo there would be no changes to access, parking or trash removal to lot 5. Lot 5 is not included in the redevelopment. He confirmed that the only curb cut on Kinderkamack Rd would be the existing entrance to lot 5

Lorraine McQueeney, 115 Grand Blvd, read a parody on The Grinch Stole Christmas, ending with a plea to further consider the redevelopment.

Councilman-Elect Kenneth Hoffman of 61 Emwood Dr. reminded the Board that this election was based on this one issue and that the Board and governing /body had not been listening to the will of the people. He directed Mr. Olivo to his term “mitigation” of traffic. And wondered how that was justified. Mr. Martin replied that it was a statement Mr. Olivo had made in regard to a bus line, and trains in a remote area. Mr. Olivo replied that was correct. But in this instance it would reduce the reliance on single occupancy vehicles. Mr. Hoffman continued that the Board and developer were incorrect in assuming residents would leave their cars at home to take a bus to Stop n Shop, Shop Rite, the cleaners or any other retailer. Mr. Hoffman continued and confirmed what Mr. Bishop had said that there would be a least two cars per apartment, which means there are not enough spaces allocated to the residents. He continued that the presentation on traffic was not well presented and did not fully identify the increase/decrease in traffic.

Joseph Polvere, 124 Linden Avenue, I think redevelopment is a good thing, I do believe that the existing administration is trying to do the best for Emerson, they just went too far. I also believe the new administration should be able to have a say in what happens in the future. /There are too many unanswered of I don't know answers to proceed. As a teacher if I were to progress in that fashion I would soon be out of a job. I still believe redevelopment is required, but I also believe it should be done on a smaller scale and in accordance with the will of the residents.

Billy Price, 9 Emwood Dr., looking at the picture, I see a sardine can that we are trying to put whales into. You, the Board, have got to listen to the will of the people. This concept is not for Emerson. I don't believe that four stories is suitable for Emerson, maybe in Teaneck or Englewood. As it is now, it takes 14 minutes to travel one mile into Paramus = 14 minutes for one mile - what will it be with an additional 55 cars?

Again, I will mention the election it was a declaration of the residents. I remember 20 years ago, when there was a bid to redevelop Emerson Woods, 129 condominiums behind Shop Rite. Thankfully, the concept was defeated and we still have the woods.

Mr. Price continued that in order for any project to benefit Emerson, the train station must be relocated north of Linwood to enable traffic to continue to move along Kinderkamack Rd. I said at the original meeting that this should be done and it should have been resolved before this redevelopment continued.

Mr. Michael Esqueu, 276 Kinderkamack Rd., my parents came here from the Bronx because of the trees, hills, and family town of Emerson, it appears this plan is going backwards.

Mr. Esqueu continued, when this plan was first presented we were told that JMR would have to help the local business relocate, has anyone heard anything about this. Mr. Bogart replied it was a requirement that they do that.

Mr. Adams asked about the back door access. Mr. Schwinder told Mr. Adams that it was undecided at this time.

Mr. Don Pierro of 70 Eagle Drive read a statement from his neighbor, Ms. Phyllis Rooney. She was unable to attend but wanted her opinion expressed. Her letter expressed disgust for the plans that are being presented. She thought the application was more for a big city than the Borough of Emerson, and hoped it was not too late to rescind the decision.

Mr. Mike Meyers again approached the podium. He said he had reviewed the plans while others were speaking and was having a problem with the delivery vans and the back door access. He thought the delivery trucks would impede general traffic through the site. He also expressed concern about waste from the restaurant(s) that might be on the sight. How many pizza places can Emerson support? He said restaurants generate trash; there is no way around it.

Mr. Paul Hulbert of 5 Jefferson stated that he thought the Board was here prematurely. He said there were too many unanswered questions in regard to parking, deliveries, traffic and other areas.

Mr. Michael Casey of 60 Linwood, said he would never see the sun again with this development and there would be no changes in the traffic except for an increase. He thought the design was inappropriate for the site.

Ms. Cory Melillo of 15 Vivian wanted to know why, if the 20% were not on site they were allowed to build to four stories. Ms. Bogart replied that the Court Master had agreed that only 22 units needed to be on site and the balance of 7 off site.

Ms. Kathleen Viola of 139 Linwood asked about the exit and entry to the parking garage. Mr. Schwinder answered that the entry/exit would be next to the railroad tracks south on Linwood and north on Lincoln Blvd.

Ms. Viola asked about parking against the tracks and 2-way traffic behind parked cars, and would the train no longer stop on Lincoln Blvd? Mr. Schwinder replied that the ADA requirements would cost Emerson millions to move the station. However, the Borough was still in discussion with NJT. She referred to the route she had to take to leave her home and get to Ackerman Ave.

Mr. Schwinder continued that NJT is not the easiest organization to deal with, and to date they are fighting the concept of moving the station.

Ms. Laura Litchult of 300 Kinderkamack Rd, stated she had been at the council meeting the week before where it was stated that the land on Kenneth Ave, the Ambulance Corp building and 19 Lincoln were given to JMF in order for them to secure the funding to purchase the required additional lots. She asked, at this time, does JMF own those properties. Mr. Schwinder replied all the properties were currently under contract. Mr. Flannery confirmed that there was a contract pending for those properties in accordance with the redevelopment agreement and it would not become final until all approvals and entitlements are in place. Mr. Martin explained it was a condition of the agreement.

Ms. Litchult stated that normally before appearing before the planning or Land Use Board, the parties would be the owners of the property. **Mr. Flannery responded, JMF is under contract to purchase all of the properties however, are not going to close on title until we have all the Borough approvals and other entitlements in place.** Mr. Martin confirmed that all EPA clearances would have to be received before the sale was final and it was one of the reasons he asked the Governing Body to step down from the Board on this matter.

Jill McGuire of 154 Linwood Ave. brought up the defeated 10 unit development on Linwood, which the traffic study that had been provided proved the development to not fit the area. Why then was there not a traffic study done on this project. She also wanted to know why the development of the property at Kinderkamack and Linwood Ave had not been memorialized.

Mr. Martin responded that the application had one year for the Resolution to be memorialized, and there was an open issue that was being rectified.

Ms. McGuire requested that a detailed traffic study be done for the redevelopment area.

Lina Ballas, 101 Patrick Ave, said she agreed with previous speakers that a traffic study should be done by the Borough. The traffic is bad now and with the train running through there could be a ten minute delay before you can move. She further asked about the 42" pipe and where the water would be deposited.

Mr. Ascolese responded as part of the 42" pipe there is a large chamber 6 ft. x 8 ft. in front of the "vape" store, which increased drainage from Kinderkamack and Linwood and directed storm water to the DPW. The developer is required to extend the 42" pipe to the DPW and into the wetlands.

Ms. Ballas urged the Board not to rush into this development but to hold multiple meetings to iron out the "I don't know's".

Bob Petrow, owner of 21-23-33 & 50 Chestnut, Asked about the monitoring wells, when were the last phase I, II, III reports done. Mr. Ascolese did not have the answer. Mr. Petrow asked what monitoring has been done, when it started and how long it lasts. Mr. Ascolese said he believed the duration was ten years and he was not sure of the reports, but did ask the developer to maintain it in his reports. Mr. Petrow asked if the Borough did not know what was in the ground under the cleaners, how could they proceed with the project. Mr. Martin responded that the DEP would have to say the property is safe to be built on. Mr. Petrow continued, there are contingencies on these properties, yes? Mr. Martin replied that was his understanding and why the governing body was asked to leave the meeting. Mr. Petrow asked Mr. Martin if the property can be transferred with a questionable health status. Mr. Martin said he would want a clause in any contract he wrote to be sure the property reports are safe. Mr. Flannery responded he was not sure if the contracts contained such a clause. Mr. Petrow made a comment of "Another I don't know".

Bill Price, 9 Emwood, returned to the podium and asked about the new construction proposed for Linwood Ave next to the gas station, and was told that property was not on the agenda for the evening and could not be discussed.

He then stated that a traffic study is required. He tried to continue about Linwood Ave, but was told by Mr. Schwinder that that property was not on the table for this meeting.

Annette Scala, whose husband owns of Cork & Keg, residence 400 Adolphus Ave Cliffside Park. She wanted to know how JMR was going to help the business owners relocate and continue their business. She said her family is dependent on the business.

Mr. Doug Doyle, Redevelopment Attorney for the Borough asked the Chairman if he could respond to that question. He stated that the Borough had in place a program to help the businesses affected relocate within the Borough. He said that if anyone needed assistance to please contact his office. He mentioned that Ms. Ballas' attorney, Sean Massy was working with his office.

Mr. Schwinder mentioned the owner of Cozy Corner was in the Chambers and would Mr. Doyle please give him the contact information.

Mayor-elect Danielle Di Paola returned to the podium. She was concerned as to the property under the dry cleaner being safe, when the situation might be discovered, how it would affect the construction progress. Mr. Martin responded that the entire block 419 would have to pass County and State approvals before the matter could progress. Mr. Martin mentioned that the Resolutions he writes for the Board fully cover all contingencies and the safety of the residents of the Borough is most important.

Mayor-elect DiPaola continued, so what you are saying there are no shovels in the ground, no construction until the property is approved and clean of any environmental problems. Mr. Flannery stated they are doing their due diligence and investigating the condition of the property, and would not have a definitive answer for several months.

Mayor- elect DiPaola asked what would be the soonest that construction could begin and was told six months if there was no contamination found. Ms. DiPaola then asked about the time frame if contamination was found. Mr. Klugman, one of the members of JMR, said it could take years for contamination to be cleared depending on type and how bad. When pressed by Ms. DiPaola about "perc" a dry cleaning sanitizer, Mr. Flannery said Mr. Klugman was not an environmental expert and could not comment on that. Mr. Martin stated that if the site is contaminated, they will be unable to build on it. Mr. Bresa stated that it would ultimately have to be remedied.

Seeing no other hands, Chairman Schwinder asked for a motion to close the floor to the public, which was made by Mr. Bresa, second by Mr. DeOrio, all were in favor.

Before continuing with the meeting, Chairman Schwinder wanted to remind the public that the Board was committed to the welfare of Emerson. Not everyone agrees with that, but the members of the Board are dedicated to doing what they think is advantageous to the Borough. There has been an increase of traffic in Emerson, but it is not due to a major construction, it is due to an increase in population in surrounding towns passing through Emerson.

Chairman Schwinder then asked the Board members if they had any additional questions, hearing none, he asked for a motion on the application. Mr. Bresa said he makes the motion. Chairman Schwinder asked him to clarify his motion. Mr. Bresa said he makes a motion to approve the application. Mr. Mc Kendry seconded the motion. Mr. Bresa, Mr. DeOrio, Mr. Malone, Mr. McKendry, Mr. Rieger, Mr. Schwinder voted yes. Mr. Adams abstained. Mr. Cimino and Mr. Sudano voted no. Ms. Shust stated there were six yes votes, two no votes and one abstain.

Chairman Schwinder stated the application was approved and cautioned the applicant to keep in mind the comments made by the residents and the important concerns they raised.

Chairman Schwinder asked if there was any other 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 10:45 pm.

Respectfully submitted,
Marie Shust
Interim Board Secretary