



MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
OCTOBER 20, 2011

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, October 20, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Goursky to lead the assembly in the Pledge of Allegiance.

In compliance with the Open Public Meetings Act, the clerk has notified all officially published newspapers of this meeting, and notice has been posted in the Municipal Office. In case of a fire, follow the Fire Exit signs above the doors to your right and left in the Council Chambers, and please exit calmly.

ROLL CALL:

Mr. Tom Callagee – Present
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Patrick Gagliardi – Absent
Mr. Gary Goursky – Present
Mr. Louis Lamatina – Present
Mr. Christopher Leins – Present
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present – arrived at 8:05 pm
Vice Chairman Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Richard Worthington – Absent
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Land Use Engineer – Absent – attendance not requested
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Joe Solimando – Absent – attendance not requested

MINUTES:

A motion was made to approve the minutes for the meeting held on October 6, 2011 by Mr. Goursky, seconded by Mr. Todd, and carried.

CORRESPONDENCE:

- Memo from Boswell McClave Engineering – dated 10/13/11 – Re: Emerson Convalescent Center
- Memo from Sgt. Richard Mottley – dated 10/18/11 – Re: Emerson Convalescent Center

VOUCHERS:

- \$1,050.00 – Boswell McClave Engineering – Re: Home for the Armenian Aged
- 300.00 – Boswell McClave Engineering – Re: Northern Valley Developers
- 19.85 – North Jersey Media – Re: Dittfield
- 19.85 – North Jersey Media – Re: MSH Management LLC

A motion was made to approve these vouchers by Mr. Todd, seconded by Mr. Lamatina, and carried, with Councilwoman DiPaola abstaining.

EMERSON CONVALESCENT CENTER – 100 KINDERKAMACK ROAD – NEW APPLICATION

Mr. Thomas Lodato was present and is representing the applicant. Proof of notice was submitted, reviewed by Mr. Martin, and deemed sufficient. The applicant is here this evening for an amended approval – given by the Zoning Board of Adjustment – to construct parking improvements on site, increasing the number of parking spaces from 57 to 78, an increase of 21 parking spaces. Mr. Lodato introduced to the Board and the public Mr. David Sudacki, of Lapatka Associates, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Sudacki stated he prepared the plans submitted; the existing site has a 2 story building on 2.8 acres, located in the LBW zone, with access from Demarest Avenue. With the additional parking, the applicant is proposing 2 retaining walls – one 2 ½ feet, and another approximately 6 ½ feet. Chairman Orecchio stated any retaining wall over 3 feet must be engineered, and we would like to see the details, prior to any approval. Mr. Lodato questioned Mr. Sudacki with regard to tree removal – Mr. Sudacki stated no trees will be removed, and a landscape plan has been provided. Chairman Orecchio requested the Secretary contact the Shade Tree Commission as to their opinion on tree removal and the landscape plan. Site plan Committee of Mr. Todd, Mr. Callagee, and Mr. Goursky will do an inspection and report back at our next meeting. Mr. Martin inquired whether they have filed for a soil moving permit – Mr. Lodato stated no, and Mr. Martin stated a 414 net export will require further notice to the public, as well as additional escrow posting.

At this time, Mr. Lodato introduced to the Board and the public Mr. Roy David, Administrator of the Emerson Convalescent Center. Mr. David gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. David stated there has always been a parking issue on the site – visitors, students, and residents – we request our staff to carpool as much as possible. We are looking to expand our services on site – long term residents have more visitors, than short term. Most of the traffic issues occur during the shift change, and we have rented spaces at 79 Kinderkamack Road. Mr. Schwinder questioned the number of beds at the facility – Mr. David stated capacity is 155 and we currently have 128 patients.

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

Ken Hoffman – 61 Emwood Drive – Shade Tree commission met last week – we may have to call a special meeting, since we don't meet before the Board's next meeting, and a tree management plan needs to be submitted.

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

After Board discussion, a motion was made to carry the application to our meeting of November 3, 2011, by Mr. Schwinder, seconded by Mrs. Ortiz, and carried, based on the following:

- Site plan committee inspection
- Details on retaining walls
- Comments from the Shade Tree Commission
- Soil movement permit
- Drainage calculations
- Review and / or recommendations from Boswell Engineering

Mr. Lodato and Mr. David thanked the Board for their time and consideration.

ANY BOARD MEMBER:

The Board meeting of Thursday, November 17, 2011 will be cancelled due to the League of Municipalities Convention.

GOOD AND WELFARE:

A motion was made to open public session by Councilwoman DiPaola, seconded by Mrs. Ortiz, and carried.

Theresa Cannatta – 132 Clinton Street – referenced a copy of a newsletter written by Matt Russo, of the Armenian Home, and tried to distribute to the Board. Ms. Cannatta stated she feels she is being harassed and has contacted the Police Department.

Theresa Filera – 92 Somers Avenue – stated she feels her mother and the neighbors around the Armenian Home are being harassed.

Matt Ryan – 26 Main Street – feels for the neighbors and the contents of the newsletter are off base. What is the next step in the application – Mr. Martin stated the application is to be continued at our meeting of November 3, 2011, and we are awaiting revised plans, which will be available for inspection in the Clerk's Office.

Ken Hoffman – 61 Emwood Drive – concerned that revised plans will be dropped off, and the Board may not have adequate time to review. The Secretary stated that all pending files, along with correspondence, are available for inspection in the Clerk's Office. Mr. Hoffman stated he got confirmation that the ditch by the High School is a C 1 category, and the Board of Education may hire an engineer. Mr. Hoffman also referenced the article written by Matt Russo, and feels the community deserves an apology.

Anthony Barattia – 92 Broad Street – stated his concerns with the property being developed and the water issues – would like to see the Governing Body or this Board order a hydrology report.

Rita Laurente – 30 Main Street – concerned with the C 1 designation and compliance by the applicant. Ms. Laurente stated they met with the Board of Education at their meeting this past week, and the Board of Education stated they did not receive notice. Mr. Martin requested the Secretary check the notice submitted.

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

ADJOURNMENT:

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

Respectfully submitted,


Barbara Looney