

MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
JANUARY 5, 2012

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, January 5 2012. Mr. Martin opened the meeting at 8:00 PM, and invited Mr. Orecchio 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.

At this time, Mr. Martin swore in new and reappointed members – Robert Adams, Mayor Carlos Colina, Councilwoman Danielle DiPaola, Gary Goursky, Chris Leins, Matthew Ryan, Gary Schwinder, and Brian Todd.

ROLL CALL:

Mr. Robert Adams – Present
Mr. Tom Callagee – Present – arrived at 8:50
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Gary Goursky – Present
Mr. Christopher Leins – Present
Mr. Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
Mr. Matthew Ryan – Present
Mr. Gary Schwinder – Present
Mr. Brian Todd – Present
Mr. Christopher Martin – Present
Mrs. Barbara Looney – Present
Mr. Berge Tombalakian – Present
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested
Mr. Joe Solimando – Absent – attendance not requested

2012 REORGANIZATION

BOARD ATTORNEY: A motion was made to appoint Mr. Christopher Martin as Board Attorney by Councilwoman DiPaola, seconded by Mr. Goursky, and carried, with all members voting in the affirmative, none opposed.

BYLAWS: A motion was made to adopt the Bylaws of the Municipal Land Use Board, as amended, by Mr. Goursky, seconded by Mr. Schwinder, and carried, with all members voting in the affirmative, none opposed.

CHAIRPERSON OF THE BOARD: Mr. Martin requested a nomination for Chairperson of the Board. Mr. Schwinder nominated Mr. Orecchio, seconded by Councilwoman DiPaola. With no other nominations, a motion was made to close the nominations by Mr. Todd, seconded by Councilwoman DiPaola, and carried, with all members voting in the affirmative, none opposed.

VICE CHAIRPERSON OF THE BOARD: Chairman Orecchio requested a nomination for Vice Chairperson of the Board. Mr. Todd nominated Mr. Schwinder, seconded by Mr. Goursky. With no other nominations, a motion was made to close the nominations by Councilwoman DiPaola, seconded by Mr. Goursky, and carried with all members voting in the affirmative, none opposed.

BOARD SECRETARY: A motion was made to appoint Barbara Looney as Board Secretary by Councilwoman DiPaola, seconded by Mr. Todd, and carried, with all members voting in the affirmative, none opposed.

BOARD ENGINEER: A motion was made to appoint Mr. Berge Tombalakian, of Boswell McClave Engineering, as Board Engineer by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried.

MINUTES:

A motion was made to approve the minutes for the meeting held on December 1, 2011 by Mr. Schwinder, seconded by Mr. Goursky, and carried.

CORRESPONDENCE:

- Memo from Joseph Scarpa – dated 12/5/11 – Re: 2012 Budget Requests
- Email from Patrick Gagliardi – dated 12/8/11 – Re: Resignation
- Memo from Jacobs and Bell – dated 12/9/11 – Re: Home for the Armenian Aged
- Memo and report from Neglia Engineering – dated 12/5/11 – Re: Home for the Armenian Aged – Traffic Impact Statement

VOUCHERS:

\$150.00 – Palisades Sales – 3rd quarter consulting

\$187.50 – Morrison Mahoney – Re: Lantigua

A motion was made to approve these vouchers by Mr. Goursky, seconded by Mayor Colina, and carried.

RICHARD LIGUORI – 16 ROSS AVENUE – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Schwinder, seconded by Councilwoman DiPaola, and carried, with all members voting in the affirmative, none opposed.

EMERSON CONVALESCENT CENTER – 100 KINDERKAMACK ROAD – RESOLUTION

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mr. Todd, seconded by Mr. Goursky, and carried, with all members voting in the affirmative, none opposed.

HOME FOR THE ARMENIAN AGED – MAIN STREET – CONTINUED

Mr. Allen Bell was present and is representing the applicant. Councilwoman DiPaola excused herself from the dais. Mr. Bell stated that since their last appearance, a traffic report has been submitted to the Board, numerous discussions with an engineer from the Board of Education, and we have made some changes to the drainage based on those discussions to make them feel more comfortable. Mr. Bell introduced to the Board and the public Mr. Alexander Lapatka of Lapatka Associates, who was previously sworn and accepted as a witness. Mr. Lapatka stated based on his discussions and meetings with Stantec Engineering and Boswell Engineering, the detention system has increased in sized – 118,000 gallons of storage – additional outlet protection from 25 to 35 feet, and we have agreed to replace the pipe that comes from Main

Street onto the Board of Education's property to 36 inches. Mr. John DiNiro, President of the Board of Education, advised the Board and the public that their engineer has looked into these issues – our main concern is the water continually flowing, especially near the softball field – we are satisfied with the changes.

At this time, Mr. Bell introduced to the Board and the public Mr. William Stimmel of Neglia Engineering, who gave his credentials, sworn in by Mr. Martin, and accepted as an expert. Mr. Stimmel stated he participated in the traffic study; primary access will be off Main Street, manual traffic counts were conducted on Wednesday, September 21st from 7 am to 9 am, and on Thursday, December 1st from 3 pm to 5 pm. These time periods were selected based on the concurrent peaks of site generated traffic volumes and background street volumes, and also captured traffic from the nearby school. In addition automatic traffic recorders were placed along Main Street across the site to establish the 24 hour traffic volumes along Main Street. Mr. Stimmel stated the project would result in a minimal traffic increase of about 20 additional vehicles on the road during the morning rush hour, and 26 during the evening rush hour. With regard to circulation around the proposed building, the design is sufficient to accommodate the largest type of delivery vehicle expected to visit the property. The current proposal has eliminated one driveway along Clinton Street and restricted the other driveway, off Broad Street, to emergency access only. The site will provide a total of 122 parking spaces, where 70 are required, and it is our opinion that the proposed parking is more than sufficient. Mr. Stimmel stated he feels the proposed development can be constructed with little or no adverse impact to the safety and efficiency of traffic operations in the surrounding area. A pedestrian traffic study was not part of the report.

Mr. Bell stated the plan has been modified for the area where the deliveries are to occur off Broad Street, and if the Board desires, the applicant will eliminate or scale the wall down in size. Mr. Tombalakian stated the wall could be deleted and add additional landscaping be added – or the wall be built at a later date to see how the area residents feel.

At this time, Board Member, Mr. Tom Callagee entered Council Chambers and sat at the dais. Mr. Martin requested Mr. Lapatka and Mr. Stimmel give a review of their testimony, and also requested Mr. DiNiro to comment on the Board of Education's opinion on the changes in drainage.

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

Richard Masciello – 156 Clinton Street – understands no variances needed; the reason they are back here is that they do not want to close down during construction; they should not accept any new patients – last week there were 30 empty beds at the Emerson Convalescent Center; they are proposing to build on a marsh / swamp – none of their studies were done when it was raining; this is a residential zone; no one has answered my previous questions about pilings; no permits taken out for previous additions; they don't care about us, and this will cost the taxpayers. Mr. Masciello feels his comments are being taken lightly. Mr. Bell stated the piling issues will be dealt with as part of the permit process.

Pamela Sturt – 42 Maple Avenue, Hillsdale – her mother is a resident of the home; does not feel the residents should be moved during construction; the residents are cared for by a great staff and one of the best homes her mother has been in; a new facility will only make the care better; feels property values will not decrease and property owners have the right to file a tax appeal.

Theresa Cannata – 132 Clinton Street – submitted photos after a recent storm; huge holes left open after they drilled last time – children do cross the property to go to school; expressed concerns with the proposed construction on the field and the C 1 designation of the ditch; traffic and safety issues due to the schools in the area; feels the property has not been maintained over the years; concerned about the maintenance of the proposed detention system.

Nicole Argenzia – 60 Broad Street – concerned about property values and would like to see the properties in the area being reassessed after the development; use to seeing dumpsters &/or delivery trucks idling and making deliveries before 7 AM; has made complaints to the Police Department about illegal parking on the street and speeding; expressed concerns with the safety of the children in the area and flooding.

Ken Hoffman – 61 Emwood Drive – was a member of the Council when they voted to rezone the property; original approval was much better than what is now proposed; expressed concerns with drainage – and the increase in the piping size – the maintenance of the detention system and the pipes; referenced the Police Department's report on this project, and referenced a request the Environmental Commission had made years ago for a crossing off Ridge Road onto Main Street to Emerson Woods; feels pedestrian safety should have been part of the traffic study; engineers have made mistakes and the Board should feel confident before they vote.

Theresa Cannata –Bergenfield – mother lives at 132 Clinton Street – concerned with hostility between the residents of the Home and the property owners – a compromise should be made here – a common ground.

Sally Weber – Denville, NJ – mother a resident of the Home; this is a very emotional matter; the facility is a wonderful, caring place, and will only get better with the expansion.

Kathy Hackler – Westwood – mother a resident of the Home; the facility provides wonderful care and kindness – but needs updating.

Joe Cannata – 132 Clinton Street – we are not questioning the care – the property has not been maintained; stated his concerns with water effecting the homes and traffic; stated the Board of Education and United Water were not notified of these proceedings.

Michelle Rizzo – 52 Broad Street – this is a very emotional issue; not questioning the care to their residents; brought my home 5 years ago and concerned with flooding – this will ruin the area, and what we have worked hard for where we are.

Tom Sudano – 231 Pascack Avenue – concerned with the traffic on Main Street going into the site; a pedestrian study should have been done due to the amount of students at the Jr. / Sr. High School.

Ray Cywinski – employed by United Water – Mr. Martin requested if they are here represented by Counsel; Mr. Cywinski stated no and advised the Board that he came to Borough Hall today with another employee of United Water to review the file and soil log data, which was not available; we have no position on the application until we see data; we are concerned with downstream properties; we had plans to bring an attorney, but based on the soil log data not available, no representation. Mr. Bell commented on United Water only coming to Borough Hall today to look for information on the project, since the last hearing – this is late in nature and feels this may be to stall the Board's vote. Mr. Lapatka stated a soils report dated 11/21/11 was prepared by Johnson Soils – they do not recommend pilings. This report was prepared for building purposes. Mr. Masciello stated when they prepared that report it did not rain for 16 days.

Kathryn Cornwall – 33 Broad Street – concerned with the temporary piping during the construction and scheduling.

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

Mr. Schwinder commented on the curbing and the widening of Clinton Street – Mr. Bell stated the applicant will provide the curbing, and widening, if the Board wishes. Mr. Todd stated he would like to see Clinton Street curbed, and Mr. Schwinder stated he would like to see the Clinton Street widened to clean it up, and please the neighbors.

Mr. Bell took this time to thank the Board during this long process. In summation, this is a fully conforming use, with no variances – an amended site plan approval – previous approval was for 160 beds, we are now at 120. Parking has been increased to alleviate parking on Broad Street. We have tried to address all the concerns of the Board and the neighbors. The applicant has designed a building that is aesthetically pleasing and will be an asset to the community. The water conditions in the area exist today, and the applicant did not create them – there will be vast drainage improvements to the area – if the Borough decides to improve the drainage from the north, the additional pipe size will help the Borough in the future. Mr. Bell requested the Board approve the application, and once again thanked the Board for their time and consideration.

Mr. Todd stated this has been a long process, has listened to the recordings of the previous meetings, and feels we have to rely on our experts. Mr. Goursky stated this application affects many property owners – this is a variance free application – and encouraged everyone to be involved in the process. Mr. Schwinder stated there were objections to the original plan, and this applicant changed the plans after hearing the concerns of the neighbors and this Board – this will be an improvement for the patients and the community. Mayor Colina stated he has spoken to the neighbors, and this has not been an easy task – the people up here have worked hard to listen to all concerns, and thanked the neighbors for attending these hearings, their patience, and support. Chairman Orecchio the applicant has tried to address all the issues – we have to rely on the experts.

A motion was made to approve the amended site plan by Mr. Goursky, seconded by Mr. Schwinder, and carried, based on the following conditions:

- DEP approval
- Curbing / widening of Clinton Street
- Revised drawings
- Comments / recommendations of Borough Engineer

Roll call vote as follows:

Mrs. Ortiz – no
 Mr. Callagee – yes
 Mayor Colina – yes
 Mr. Todd – yes
 Mr. Schwinder – yes
 Mr. Goursky – yes
 Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting. At this time, Councilwoman DiPaola returned to the dais.

2012 BUDGET:

The Board reviewed the proposed budget, and a motion was made to submit the budget by Mr. Todd, seconded by Mr. Goursky, and carried, as follows:

Board Secretary - \$6,630.00
 Advertising - \$100.00
 Repair - \$195.00
 Board Attorney – \$4,000.00 – billings - \$135.00 per hour
 Publications - \$90.00
 Office Supplies - \$100.00
 Continuing Education - \$500.00
 Professional Dues - \$300.00
 Miscellaneous - \$40.00

ANY BOARD MEMBER: No comments at this time.

GOOD AND WELFARE:

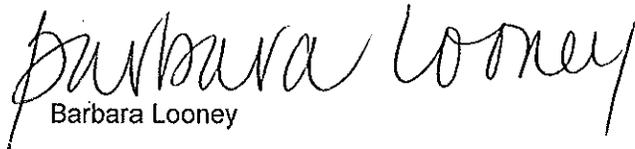
A motion was made to open public session by Councilwoman DiPaola, seconded by Mr. Adams, and carried, with no comments.

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

ADJOURNMENT:

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

Respectfully submitted,


Barbara Looney