



**MUNICIPAL LAND USE BOARD**  
**EMERSON, NEW JERSEY**  
**DECEMBER 1, 2011**

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, December 1, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mayor Colina 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. Christopher Leins – Absent  
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 – Present  
Mr. Christopher Martin – Present  
Mrs. Barbara Looney – Present  
Mr. Berge Tombalakian – Land Use Engineer – Present  
Mr. Michael Sartori – Construction / Zoning Officer – Absent – attendance not requested  
Mr. Joe Solimando – Present

**MINUTES:**

A motion was made to approve the minutes for the meeting held on October 20, 2011 by Mayor Colina, seconded by Mr. Todd, and carried.

A motion was made to approve the minutes for the meeting held on November 3, 2011 by Mr. Todd, seconded by Mr. Goursky, and carried, with Councilwoman DiPaola abstaining.

**CORRESPONDENCE:**

- Memo from Sgt. Stephen Clark – dated 11/15/11 – Re: Koch – 304 Main Street
- Memo from Jeff and Fran Sabatella – dated 11/21/11 – Re: Extension of approval
- Email from Patrick Gagliardi – dated 11/22/11 – Re: resignation
- Memo from Boswell McClave Engineering – dated 11/30/11 – Re: Emerson Convalescent Center
- Memo from Boswell McClave Engineering – dated 11/30/11 – Re: Home for the Armenian Aged
- Memo from Sgt. Richard Mottley – dated 11/30/11 – Re: Home for the Armenian Aged
- Memo from Joseph Scarpa – dated 12/1/11 – Re: Holiday Events

**VOUCHERS:**

- \$750.00 – Boswell McClave Engineering – Re: Emerson Convalescent Center
- 489.02 – Morrison Mahoney – Re: Home for the Armenian Aged
- 263.46 – Morrison Mahoney – Re: MSH Management, LLC
- 287.00 – Morrison Mahoney – Re: Dittfield
- 212.50 – Morrison Mahoney – Re: Coren
- 25.16 – Morrison Mahoney – Re: Van Buren, LLC
- 19.85 – North Jersey Media Group – Re: Coren
- 19.85 – North Jersey Media Group – Re: Lantigua
- 10.40 – North Jersey Media Group – Re: Cancellation of 11/17/11 meeting

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

**RICHARD LIGUORI – 16 ROSS AVENUE – DECK VARIANCE**

Mr. Liguori was present and submitted proof of notice, which was reviewed by Mr. Martin and deemed sufficient. Applicant is proposing the construction of a 16 x 24 rear deck – as part of an upcoming home renovation. Deck would be 25 feet from the rear property line, where 35 feet is required.

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

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

A motion was made to approve the deck variance application by Mr. Todd, seconded by Mr. Schwinder, and carried. Roll call vote as follows:

Mrs. Ortiz – yes  
 Mr. Callagee – yes  
 Mr. Goursky – yes  
 Councilwoman DiPaola – yes  
 Mr. Worthington – yes  
 Mayor Colina – yes  
 Mr. Schwinder – yes  
 Mr. Todd – yes  
 Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting. Mr. Liguori thanked the Board for their time and consideration.

**BRIAN & KERI KOCH – 304 MAIN STREET – RESOLUTION**

The Board reviewed the Resolution prepared by Mr. Martin, and a motion was made to memorialize the Resolution by Mayor Colina, seconded by Mr. Worthington, and carried, with all members voting in the affirmative, with Mr. Callagee and Councilwoman DiPaola abstaining.

**NORTHERN VALLEY DEVELOPERS – 32 SPRUCE STREET – REVISED RESOLUTION**

The Board reviewed the revised Resolution prepared by Mr. Martin with regard to the 27 foot rear yard setback, and a motion was made to memorialize the Resolution by Mr. Goursky, seconded by Mr. Schwinder, and carried with all members voting in the affirmative, none opposed with Mr. Callagee, Mayor Colina, and Councilwoman DiPaola abstaining.

**SABATELLA – 7 MITCHELL STREET – REQUEST FOR RESOLUTION EXTENSION**

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

**EMERSON CONVALESCENT CENTER – 100 KINDERKAMACK ROAD – CONTINUED**

Mr. Lodato was present and is representing the applicant. Proof of service was submitted, reviewed by Mr. Martin, and deemed sufficient. Applicant is here this evening for a major soil moving permit and an amended site plan approval – parking will be increased from 57 to 78 spaces and the construction of 2 retaining walls.

Site Plan Committee – Mr. Callagee, Mr. Goursky, and Mr. Todd visited the property on 10/26/11 and Mr. Todd reported on the following:

- Southwest corner where 9 new parking spaces are proposed – cars currently park there, thus these spaces will not alleviate any other over-parking issues
- Proposed retaining wall needs to be engineered and plans approved due to height and length of wall
- Tree will have to be removed which could create another opportunity for another parking space or more. Underground power supply could present a problem
- Northern side of parking lot – tree closest to building will have to be removed, and 2 trees on northern property line will also have to be removed; retaining wall for this location would also have to be engineered due to the possible height; lighting should be shielded to avoid light onto adjoining properties

Mr. Todd also stated the committee was concerned about the proposed water retention systems and their size; would like to see zero run-off with the proposed new driveway; applicant may inquire with Borough regarding the paper street or a portion thereof for additional parking.

Mr. Lodato introduced to the Board and the public Mr. David Sudacki, licensed engineer from Lapatka Associates, who was previously sworn in, and accepted as a witness. Mr. Sudacki stated he prepared the existing site plan, reviewed for the Board the proposed retaining wall designs, needed to support the additional parking, landscaping, resurfacing, drainage calculations, fencing, lighting, and tree removal. Mr. Todd inquired whether a tree management plan has been submitted – Mr. Lodato stated one has not, and the Secretary stated a copy of the application was given to the Shade Tree Commission. Mr. Lodato further stated the applicant will comply with any requests made by the Shade Tree Commission and comply with any Borough Ordinances, as a condition of approval. Mr. Sudacki reviewed the soil movement – 426 cubic yards cut, 11 cubic yards fill – net export of 414 cubic yards, approximately 16 to 20 truck loads. Chairman Orecchio requested the Secretary send a copy of the soil movement application to the Chief of Police – the Secretary it has been.

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

Michael Carunchio – 129 Kinderkamack Road – owns property across from the Convalescent Center and stated his concerns with sewer backups over the past few years from the center and the lines coming down Ackerman Avenue.

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

A motion was made to approve the site plan and major soil moving permit by Mr. Todd, seconded by Mr. Schwinder, and carried, based on the following:

- Review by Emerson Police Department – soil movement
- Fencing
- Tree Management Plan

Roll call vote as follows:

Mrs. Ortiz – yes  
 Mr. Callagee – yes  
 Mr. Goursky – yes  
 Councilwoman DiPaola – yes  
 Mr. Worthington – yes  
 Mayor Colina – yes  
 Mr. Schwinder – yes  
 Mr. Todd – yes  
 Chairman Orecchio – yes

Mr. Martin will prepare a Resolution for our next meeting. Mr. Lodato thanked the Board for their time and consideration.

### **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 before the Board, we have made changes to the plans based on concerns addressed by the Board and the neighbors. The service driveway along Clinton Street has been eliminated; a loading dock area has been designed along the north east side of the building – off Broad Street. The garbage dumpster and generator have been moved to the east side of the parking area, with easy accessibility. The generator will be tested once a month. Drainage has been enhanced along Broad and Samuel Streets – a system with a series of 5 double and one single catch basin to 36 inch pipe to channel water across the property. We will also increase the pipe that crosses Main Street – these changes will improve drainage in the area. Mr. Bell further stated the applicant still agrees to install curbs on both sides of Clinton Street – and will leave that decision up to the Board and the neighbors. With regard to the loading dock area, a 10 foot wall is proposed to block the area from the neighbors. A small driveway along the west side of building will be constructed for the use of a hearse, when necessary.

Mr. Bell introduced to the Board and the public, Mr. Alexander Lapatka, of Lapatka Associates, who gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Lapatka stated the changes made to the plan are as follows:

- Elimination of service area driveway / loading area off Clinton Street, and now proposing a single driveway, with a garage door, for the use of a hearse
- Relocation of dumpster and generator – surrounded by a masonry wall with a gate facing the building, along with a series of evergreen trees
- Loading area – northeast corner of the building – door on building that a truck can back into, with a 10 foot high masonry wall, with plantings – the wall will be longer than the service vehicles to shield the view from Broad Street
- Drainage – we are now proposing a 36 inch pipe – each inlet at the low points on both sides of the road will be upgraded to double inlets. A total of 5 double inlets and single inlet will be installed at the intersection. Due to the existing drainage problem, the existing 12 inch storm drain pipe across Broad Street will be upgraded to 18 inches, and the existing 18 inch storm drain that runs across Main Street will be upgraded to 36 inches. Mr. Lapatka stated he received a telephone call late today from an engineer representing the Emerson Board of Education, agreed to meet with them, and forward any materials they may need. The drainage area that goes into the 36 inch pipe off Broad Street covers 24 acres – our site is 3 ½ acres. Chairman Orecchio questioned the

C 1 designation of the ditch near the High School – Mr. Bell stated the last submission, approved by the Board, indicated the ditch was not a C 1 designation and if this application is approved, we will reapply to the DEP.

At this time, Mr. Bell introduced to the Board and the public Mr. Robert Cozzarelli, Architect from Bertone Cozzarelli, who was previously sworn in and accepted as a witness. Mr. Cozzarelli stated the changes made to the architectural plan are as follows:

- Elevations of the shipping / loading area moved to north side of property with the construction of a wall, consisting of limestone cap with vegetation and plantings
- Administrative offices moved to create a shipping / storage area
- Second floor addition of small offices
- Basement distribution area, machine, mechanical, and changing rooms
- Generator would be diesel powered, testing would be one hour a month at 30 percent loads – a 600 gallon sub based fuel tank, 7 feet from the property line with evergreen plantings, and a 100 feet from the nearest property owner

Mr. Cozzarelli concluded his testimony. Various members of the public voiced their complaints with ongoing audio interference.

Mr. Bell introduced to the Board and the public Mr. Brian Intindola, Director of Traffic, for Neglia Engineering, who was previously sworn in and accepted as a witness. Mr. Intindola stated we focused our traffic on Main Street, as based on the prior approval. Traffic counts were conducted on Clinton and Main Streets, which were distracted, however, we were back there today – a traffic impact study will follow. Traffic counters installed show 450 vehicles going east and 500 vehicles going west between the hours of 7:30 to 8:30 am. General peak time is in the evening between 5 to 6 pm – Broad Street will be for service vehicles only. Mr. Intindola reviewed the turning radius for trucks and tractor trailers, when necessary.

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

Therese Cannata – 132 Clinton Street – has a petition with 400 signatures opposed to the application; her sump pump continues to run and the water has no where to go other than our basements; since the posting of signs on our lawns, we have been harassed and I have filed a police report; referred to a recent article written by Mr. Russo that appeared in a newsletter. Expressed her concerns with our drinking water, safety of our children, traffic, the exiting of dead bodies across from her home, and the tax exemption status of the Armenian Home. (Some parts of her comments inaudible due to speaking close to into the microphone).

Richard Masciello – 156 Clinton Street – water table is an issue; this is ridiculous building on a swamp land; referred to a recent article in a local paper regarding The Fairways, in which a retaining wall failed; never took out permits for previous additions.

Mary Berberian – 41 Broad Street – read from a prepared statement – referenced recent article that Mr. Russo wrote; proximity to the project; obstruction, noise, traffic, sanitation, flooding, home values, and safety of the community.

Rita Laurente – 30 Main Street – expressed her concerns with EPA requirements if application approved; traffic; our drinking water, flooding, health and safety.

John DiNiro – President – Emerson Board of Education – concerned with water coming on to the High School property, we have hired an engineer, and would appreciate waiting to vote until our engineer has reviewed the information; the Armenian Home and the Board of Education have always been good neighbors.

Ken Hoffman – 61 Emwood Drive – was a member of the Governing Body when the zoning change was made; the proposed project does not compliment the neighborhood – erosion and flooding; referenced the C 1 waterway across Main Street – Armenian Home flooding problem being diverted to another property and our water supply. Once a project is built there is no going back. (AUDIO INTERFERENCE)

Joe Cannata – 34 more additional beds; we are not dealing with the future; we should be dealing with now. Can anyone say there will be no flooding of the homes and High School; what about the safety of our children – opposed to the application.

Donald Picano – 68 Broad Street – stated his concerns with the height and width of the wall for the loading area; looking at garbage for years and now I will look at a wall 10 feet tall and 44 feet long. (AUDIO INTERFERENCE)

Michelle Orecchio – 93 Broad Street – expressed her concerns with the height / length of the wall, position of dumpster, generator, traffic, and water run-off. (AUDIO INTERFERENCE)

The application will be continued at the Board's meeting of Thursday, January 5, 2012.

**ANY BOARD MEMBER:**

No comments at this time.

**GOOD AND WELFARE:**

A motion was made to open public session by Mr. Todd, seconded by Mrs. Ortiz, and carried, with no comments.

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

**ADJOURNMENT:**

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

Respectfully submitted,

  
Barbara Looney