

MUNICIPAL LAND USE BOARD
EMERSON, NEW JERSEY
MAY 19, 2011

This meeting of the Municipal Land Use Board was held in the Municipal Building on Thursday, May 19, 2011. Chairman Orecchio opened the meeting at 8:00 PM, and invited Mr. Martin 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 – Absent
Mayor Carlos Colina – Present
Councilwoman Danielle DiPaola – Present
Mr. Patrick Gagliardi – Present
Mr. Gary Goursky – Present
Mr. Louis Lamatina – Absent
Mr. Christopher Leins – Present
Chairman Mark Orecchio – Present
Mrs. Germaine Ortiz – Present
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 – Present
Mr. Joe Solimando – Absent – attendance not requested

MINUTES:

A motion was made to approve of the minutes for the meeting held on March 17, 2011 by Mr. Goursky, seconded by Mr. Schwinder, and carried.

A motion was made to table approval of the minutes for the meeting held on April 7, 2011 by Councilwoman DiPaola, seconded by Mr. Schwinder, and carried.

A motion was made to approve the minutes for the meeting held on April 21, 2011 by Mr. Goursky, seconded by Councilwoman DiPaola, and carried.

CORRESPONDENCE:

- Memo from Arpi Kertesz – dated 5/10/11 – Re: 39 Kinderkamack Road
- Memo from Bertone Piccini – dated 4/27/11 – Re: 22 Clinton Street
- Memo from County of Bergen, Department of Planning and Economic Development – dated 5/13/11 – Re: Onik & Ripsik
- Borough of Emerson – Ordinance No. 1425-11 – Adopted 5/3/11

VOUCHERS:

- \$81.39 – Morrison Mahoney – Re: MSM Management
- 19.85 – North Jersey Media Group – Re: Northern Valley Developers
- 19.85 – North Jersey Media Group – Re: Van Buren LLC

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

NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES – 22 CLINTON STREET - CONTINUED

Ms. Grace Bertone was present and is representing the applicant. Since our last appearance before the Board, the applicant has considered the options and conditions:

- Protective barrier in front of the window
- Garbage containment in the rear of the home
- Sound attenuation around the air conditioning unit, such as landscaping or a fence
- If the home is ever sold, the living space will be converted back to a garage
- Removal of dead tree in the rear yard

Ms. Bertone stated they are not interested in widening the driveway, would like to keep the home looking like a home, and not a business. Employee parking will be in the driveway, due to the narrowness of Clinton Street, and employees will be encouraged to also park on Randolph Avenue, if necessary. The grant money is contingent on an extra resident moving into the home. Mr. Schwinder stated he would like to see the driveway widened to keep the cars off the street, and the neighbors happy.

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

Ron Kayan – 18 Clinton Street – stated his concerns garbage containment, parking on Clinton Street and Randolph Avenue. Mr. Kayan also described a verbal confrontation with Ralph Coloma about the sump pump. Feels the other homes in Northvale and Montvale are very well maintained – the home on Clinton Street is an eyesore.

Lou Napolitano – 137 Palisade Avenue – witnessed the verbal confrontation between Mr. Coloma and Mr. Kayan. Wanted to put a master suite in his garage years ago, but was told not able to do so.

Donna Block – 126 Randolph Avenue – distributed photos of the trash and recycling, and discussed the large dead tree in the rear yard.

Pat Kayan – 18 Clinton Street – it was discussed at the last meeting that the residents of the home are not mobile – they are able to do laundry and chores.

Joe Hornyak – 123 Palisade Avenue – does see the residents outside and they are mobile. This home does not belong in a residential zone, and does not increase the value of the homes. Afraid the tree will come down and the potential liability.

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

After a brief recess, Ms. Bertone introduced to the Board and the public Mr. John Schuckle, Executive Director of the National Institute for People with Disabilities. Mr. Schuckle gave his credentials, sworn in by Mr. Martin, and accepted as a witness. Mr. Schuckle stated the home in

Emerson opened with 4 residents, most of our other homes, such as Montvale and Northvale, have 6 residents – the number of residents, means more funds are given for renovations and operations. Mr. Schuckle stated that due to the budget restraints, there is no money available to improve the home, so we looked to place an additional resident to obtain the necessary funds. There are currently 8,000 people on the waiting list to get into one of these homes, so a family does not have to worry about their future. The current grant is \$40,000 and is contingent on us adding another resident. Mr. Martin questioned whether there are employment practices in place, due to the complaints by the neighbors, as to loud noise during shift change, and cigarette butts. Mr. Schuckle responded there are, and was made aware of the verbal confrontation between Mr. Coloma and Mr. Kayan.

Mr. Orecchio questioned Mr. Sartori on the sump pump – Mr. Sartori stated he did an inspection, and the sump pump is off the family room, behind the patio, which discharges from a 1 inch pipe on the southwest corner of the house. There is a gully between 18 Clinton Street and 126 Randolph Avenue, which Mr. Sartori feels is not being caused by the sump pump but rather the grade of the properties in the area. The sump pump could be redirected into a seepage pit.

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

Ron Kayan – 18 Clinton Street – stated he detests liars, the house is disarray and we have suffered for the past 10 years. Concerned with the maintenance of the home, the haphazard parking, and has witnessed their employees smoking outside the home.

Donna Block – 126 Randolph Avenue – concerned with the property maintenance of the house.

Joe Hornyak – 123 Palisade Avenue – if the application is denied, what happens? Chairman Orecchio stated the home would fall under the Borough's property maintenance codes.

Christine Napolitano – 137 Palisade Avenue – if application is denied, nothing will happen at the home.

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

Ms. Bertone stated that group homes, by statute, meet the positive criteria. This use is of public interest to have homes for the developmentally disabled, and the applicant agrees to all the conditions, except the widening of the driveway.

Mr. Schwinder stated he sympathizes with the residents of the home, and the property owners. Would still like to see the driveway widened, with pavers, to keep the cars off the street, and with the aesthetics of the neighborhood. Mr. Schuckle stated he does not want more of a driveway in front of the house, and costs are a concern. Councilwoman DiPaola expressed her concerns for the garbage situation, rodents, parking, and further stated there was a definite need for the garage to stay intact. Since these hearings began, nothing has been done about the garbage, based on the photos submitted here this evening.

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

Councilwoman DiPaola – no
 Mr. Schwinder – yes
 Mayor Colina – no
 Mr. Goursky – no
 Mr. Todd – no
 Chairman Orecchio – no

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

CHANGE OF TENANCY / OCCUPANCY

Chairman Orecchio stated we have received the Closter Ordinance, and Mr. Martin agreed to draft an Ordinance to discuss at our next meeting.

ANY BOARD MEMBER:

Chairman Orecchio stated we may want to consider amending the code the need for an As built survey. Mr. Sartori will give the Secretary any model ordinances he has for distribution.

GOOD AND WELFARE:

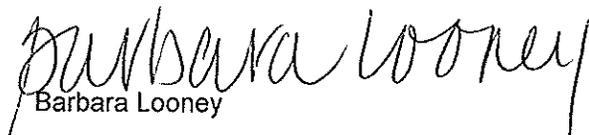
A motion was made to open public session by Mr. Todd, seconded by Councilwoman DiPaola, and carried, with no comments.

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. Todd, seconded by Mr. Schwinder, and carried.

Respectfully submitted,


Barbara Looney