

# SPLIT VOTE OKS MORE DENSITY

*Mayor breaks tie to allow  
for taller buildings*

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Mayor Louis J. Lamatina cast a tie breaking vote to allow four stories on buildings in a portion of the borough's downtown central business district over the objections of some residents during a crowded mayor and council meeting on Dec. 20.

The governing body voted 4-3 to amend its central business district redevelopment plan at a time when a private firm selected by the borough's governing body in June is negotiating to acquire 1.9 acres of prime Kinderkamack Road real estate to transform a portion of the borough's downtown.

Council President Chris Knoller and Councilmen John Lazar and Brian Downing voted in favor of the proposal, while council members Danielle DiPaola, Vincent Tripodi and Richard Worthington voted against the ordinance.

Emerson Redevelopers Urban Renewal, LLC, a company formed by JMF Properties of Whippany, won

approvals earlier this year to be the official redeveloper for the land in question with its plan to build 134 housing units with 13,000 square feet of retail and a 283-space parking garage. The firm has since said it needs a fourth story to add 13 residential units to the plan, in order to accommodate the borough's demand that 20 percent of the residential units be designated affordable housing.

The subject properties, officially the borough's block 419 on its zoning maps, include a hodgepodge of commercial and residential parcels bordered by Linwood Avenue to the south, Lincoln Boulevard to the north, Kinderkamack Road to the east and NJ Transit's Pascack Valley Line to the west. Business tenants have said they are being held in limbo, unable to escape leases while faced with an uncertain futures for their business locations.

In a recent interview with Pascack Press, Mayor Lamatina said that no property owners have agreed to terms with the redeveloper, with the firm offering about \$5.5 million combined to acquire the subject parcels and property owners asking for about \$9.5 million. Lamatina told Pascack Press the borough may invoke its powers of eminent domain to force property owners into dealing at assessed values if deals are not made soon.



Kevin Cody of JMF Properties remained on standby to answer questions about the building (pictured) the redeveloper anticipates will soon occupy the borough's central business district. Photo by Emily Johnson

The borough first created its redevelopment zone in 2006 after exploring the subject for years. Eminent domain is allowed under the state's local redevelopment and housing law. The borough's land use board recently agreed by a 7-0 vote with Borough Planner Brigette Bogart's professional recommendation that the subject parcels continue to meet the legal standard of blight and are therefore in need of redevelopment. The board is expected to memorialize that recommendation in January 2017 and the governing body could then vote to accept that re-designation.

More than 15 residents and property owners came before the governing body on Dec. 20, largely in opposition to enforcing eminent domain, the increase of building height to four stories, or both.

The now-approved ordinance sets height limits along public streets at 42 feet, but allows for 50 feet along the railroad; the proposed fourth story would be set back by five feet to obscure its true height, planners have said.

Jill McGuire of Emerson brought a picture advertised on JMF Properties' Facebook page of the proposed rooftop terrace to the meeting.

"It is a party deck, it appears," she stated as she held up the photo. "It says, 'Emerson Development is in the process of becoming the most desirable roof top in Bergen County.'"

Kevin Cody, director of acquisitions for JMF and Emerson Redevelopers Urban Renewal, said that the terrace, which would be about 600 to 650 square feet will not be a "roof top bar," but made for use as an area for tenants with seating and to barbecue.

Debbie Agnello, owner of a property in the condemnation zone addressed her concerns, bringing up a Pascack Press article published on Dec. 19. Reading from a portion of the article, which states, "Municipal leaders may look to use the borough's powers of eminent domain to force property owners into selling if agreements are not made soon, Lamatina confirmed."

Agnello went on to say, "There were no negotiations as you say in this article."

Cody later replied, "As you know, we did meet."

"We spoke on the phone a few times prior to that meeting. After our meeting, we had sent you a letter with our offer," he said, and Agnello confirmed. "We did get a response from your attorney."

A bit later, Agnello went on to say, "The only time we had conversations was because you kept asking me about what you wanted to purchase my building, and I kept saying 'no, no, no, no, no.'"

"Well, that answers the question," Cody said. "When somebody says, 'no, no, no,' what's there to negotiate?"

Lamatina and Land Use Board Chairman Gary Schwinder have told Pascack Press that after a proposal to have a single firm redevelop all of Emerson's redevelopment zone, floated in 2006, was found to be entirely

infeasible for the borough, property owners were encouraged to develop their own parcels in accordance with the plan, which sets standards for the borough's vision for the future downtown area. After years of inaction, the governing body solicited proposals for development in question at the beginning of 2016.

Lamatina recently told Pascack Press that the governing body will not look to redevelop any parcels outside of block 419 "at least until this project is well underway." The governing body is involved in a joint county-municipal project to widen Kinderkamack Road and reconfigure the traffic

patterns downtown, while also soliciting proposals for a new municipal facility and borough hall addition.

"We are focusing on getting this done and getting this done right," Lamatina told Pascack Press. "We are not looking to go anywhere else at this point...My thinking is, this is more than enough to deal with. We need to do a borough hall addition, which we're working on. We need to get [Kinderkamack] Road done."

The redeveloper's agreement between the Borough of Emerson and Emerson Redevelopers Urban Renewal set deadlines for the developer to meet, including March 2017

for construction permits to be issued, and March 2019 for the end of construction. The contract states the borough will help the redeveloper: "in the event the redeveloper is not able to purchase any property" in the zone, it will request the borough assist it, citing a specific clause of the local redevelopment housing law - N.J.S.A. 40:12A-8(c) - which states: "...the municipality or designated redevelopment entity may... acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the Eminent Domain Act of 1971."