

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
December 20, 2016**

This special meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 6:08 pm. In compliance with the Open Publics Meetings Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

**Pledge of Allegiance**

**Roll Call:**

Robert Adams	Present
Thomas Callagee	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Absent
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Present
Germaine Ortiz	Absent
Norman Rieger	Present
Thomas Sudano	Present
Vincent Tripodi, Councilman	Absent
Gary Schwinder, Chairman	Present
Christopher Martin, MLUB Attorney	Present
Gary Ascolese, MLUB Engineer	Present
Bridgette Bogart, Borough Planner	Absent
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Absent

Chairman Schwinder announced that this special meeting was called for the purpose of voting on the Resolution regarding amending the Ordinance for the redevelopment of the downtown business area, in particular the recommendation of a minimum 5 foot setback on the fourth floor of the construction and hiring of an independent consultant to review parking and traffic flow. Mr. Schwinder read the particulars of the resolution and Mr. Martin interjected with the previous dates of amendments.

Mr. Schwinder thanked Mr. Kutzin for acting as Board Secretary in the absent of Ms. Shust.

Mr. Schwinder asked the Board members if they had all received a copy of the Resolution, and if there were any comments or corrections to be made. Hearing none, he asked for a motion regarding the resolution.

Mr. Goursky made a motion that the Resolution be accepted as written, second by Mr. Mc Kendry.

A roll call vote was taken of those who were present at the meeting of December 8, 2016:

Mr. DeOrio and Mr. Reiger were not eligible to vote because they were not present at the December 8 meeting.

Mr Adams abstained.

Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Mc Kendry, Mr. Sudano and Mr. Schwinder all voted yes. The Resolution was approved and memorialized.

Mr. Martin commented that this meeting was in regard to the Resolution adding specifications to the downtown redevelopment area.

Mr. Schwinder asked for a motion to open the floor to the public. The motion was made by Mr. Sudano, second by Mr. Goursky, all were in favor.

Ms. Jill McGuire approached the podium, Ms. Mc Guire is the owner of 153 Kinderkamack Rd. Ms. McGuire stated that she was just learning the process of government and asked for the Board's patience of her questions. She presented a picture of another building by JMF which is four stories with a 5 foot setback. She mentioned that the building is BIG and wondered if this was really the type of building that the governing Board of Emerson wanted. She also stated that there had been social media releases and newspaper articles by the developer showing the fourth floor rooftop dining and wondered when that had been approved.

Mr. Schwinder replied that there were no specific plans presented for evaluation or vote to date. That the governing body was in the process of establishing the specifications, and when specific plans were

submitted, it would be heard in a meeting before the Mayor and Council and referred to the Land Use Board for approval/recommendations.

Ms. Jean Agnello of 28 Kinderkamack Rd. approached the podium. She stated that she is the owner of the property which houses the Cork & Keg liquor store and the dry cleaners. She wanted to know if she had improved her building in 2008 in accordance with the Master Plan at that time would her building be in jeopardy of being razed.

Mr. Schwinder responded that the building next to hers which is newly constructed is in conformance with the Master Plan, except in regard to parking and flow of traffic, which Ms. Bogart addressed in the meeting of December 8<sup>th</sup>.

Ms. McGuire then stated that in Ms. Bogart's grandiose plan her property was required to complete the development.

Mr. Daniel O'Brien of 17A,B,C and 38 Palisade Ave approached stating that after Ms. Bogart's scathing remarks about the downtown area, he requested the list of violations against the specified area. He found that the "Vapes" store at 76 Linwood had received a violation because their sign was in an incorrect area and had to be relocated. 176 Kinderkamack Rd. received violations on Jan 16 & Jan 30<sup>th</sup>, because the snow had not been completely removed; and June 16 2015 they were sited because there were weeds in the cracks of the sidewalk. Rancho Cantina received a violation because their sign was illuminated after 11:00 pm. There were no violations of clutter, garbage, unkempt property. Ms. Bogart, Emerson's hired assassin, was running the lives of the property owners, business owners and their income. Mr. O'Brien stated that he had bought his property as an investment toward his retirement. He said that the properties were valued at 6 million with tax assessment of 20% above. For a total of 7.2 million, and the Borough was trying to steal their property at 60% of the value.

Mr. Todd Bradbury of 24 Chestnut Ave. stated that originally his property was in the redevelopment zone, however, in 2008 it was removed, At Thanksgiving he received notice that he is once again in the redevelopment area and wanted to know when the zone was redesignated and why there wasn't a meeting to advise him of the new status. He also mentioned that there was no consideration being given to the business owners and the hard work they had put into their business, the improvements they had made to their property, and the

relationship they have with the Borough. He stated that there was mention of a trailer being on property and stated that this equipment was part of his business.

Mr. Schwinder asked if Mr. Bradbury had been at the meeting of Dec 8, to which he received a yes answer. Mr. Schwinder then remarked that the property on Chestnut and other areas were not being considered at this time only the properties in Block 419, 1.9 acre section were under discussion at this time. Other properties would be examined at a later date and the public would be notified of any meetings regarding those areas.

Mr. Schwinder stated that the Land Use Board only made recommendations to the governing body and reviewed the materials submitted. The Land Use Board does not make the final decision on the redevelopment, but oversees and guides the process. The Planner was presenting a means to improve the Downtown Business District as well as meet the Affordable Housing requirements as set forth by the Judge and improve traffic flow and parking.

Mr. Bradbury then inquired about the Kuiken Brothers property and their acquisition of the Verizon building, which could have been used for affordable housing.

Mr. Schwinder replied that the Verizon Building was an investment for Kuiken who planned to expand their warehouse in that building. He also stated that Kuiken Brothers have been making improvements to their lot and buildings, removing old warehouses, and will be removing the front parking spaces, which will be replaced with conforming streetscape landscape and lighting.

Mr. Schwinder also stated that in accordance with the laws, affordable housing could not be isolated or inferior to standard housing.

Mr. Bradbury then wanted to know how the 4 page amendment to the Master Plan was going to affect his property.

Mr. Michael Esqueu of 176 Kinderkamack Rd., complained about the height of the monster wall behind Kuiken Brothers, then mentioned that there were newspaper articles showing plans to redevelop the sections between the Oradell and Westwood borders

Mr. Schwinder replied that the area was not being discussed at this time. And the Stop n Shop plaza was not part of the redevelopment area, except for streetscape.

Ms. McGuire stated that she had also seen the articles.

Ms. Hilda Gonzalez, of 314 Kinderkamack Rd approached and stated that the maps posted indicate the redevelopment includes her property, which is in block 414.

Mr. Schwinder replied that the Board is only discussing Block 419 this evening.

Ms. Gonzalez suggested that the Board hear the opinions of the Public before voting on any measures. She feels the Board is voting without hearing the input of the property and business owners.

Mr. Schwinder replied that the floor had been open to the Public at the meeting of December 8<sup>th</sup> until 10:30, at which time the floor was closed to enable the board to vote on the application.

Mr. Martin explained that it was similar to a court where the evidence is presented before it is referred to the jury for a verdict.

Mr. Schwinder asked Ms. Gonzalez if her questions had been answered to her satisfaction.

Ms. Gonzalez replied that block 414 was designated redevelopment not streetscape.

Mr. Rich Columba of 9 Emerson Plaza East approached and stated that people could not be heard at the meeting of December 8<sup>th</sup> and were told to leave at 10:30 as it was a closed meeting.

Mr. Schwinder replied that the Board was told they had to be out of the building no later than 11:00 pm, but at no time was the meeting of December 8<sup>th</sup> or any other Land Use Board meeting a closed meeting. The floor was scheduled to close to the public at 10:30 but was extended to 10:45 at which time the floor was closed as there was additional business to conduct, but the public was not asked to leave, although many did. Those leaving were asked to do so quietly, so the Board could

continue with the meeting. Perhaps the presence of the Police Officer gave the impression that people should leave.

Mr. Palumbo stated that he stood corrected and asked the Board's indulgence.

Mr. Gary Bradbury of 24 Chestnut, approached the Board to discuss his father's business and property. He said he came home for the holidays and saw the letter from the attorney regarding the condemnation of their property. He felt the Borough was not listening to the concerns of the businessmen and property owners. He wanted the Board and the Borough to bear in mind the investment made into the properties and the Borough.

Mr. Ken Hoffman approached said that he met with Mr. Willie Ortiz, Democratic Chairman in early summer and was told that the redevelopment was a done deal. Mr. Hoffman wanted to know what that meant and if the redevelopment was decided upon.

Mr. Schwinder replied that there was no "done deal" in Emerson, that the Borough would follow procedures and be transparent in their actions. Mr. Schwinder said he had no idea what Mr. Ortiz had been talking about. Mr. Schwinder stated that the site plan had not yet been presented and when it was it would be presented to the Mayor and Council, to the Land Use Board and to the public.

Mr. O'Brien again approached and questions the condemnation and redevelopment along Kinderkamack Rd and Palisade Ave.

Mr. Martin replied that there are separate issues on Kinderkamack Rd. In particular the area between Oradell and the redevelopment zone were under plans for streetscape (landscape and lighting) only. There is no condemnation.

Mr. O'Brien then asked when the fourth floor construction had been approved. He said the 40 ft. height mentioned in the resolution allows for 4 stories, but there was an ordinance in the city for only three stories.

Mr. Schwinder referred to Mr. Ascolese for the building limitations in the redevelopment plan. Mr. Ascolese replied that the 40 ft. height was allowed in CBT 15 (west of the railroad tracks) and CBT 15 (east of the railroad tracks).

Since the room had to be vacated before 7:30 pm for another meeting, Mr. Schwinder asked for a motion to close the floor, made by Mr. Adams and seconded by Mr. Mc Kendry, all were in favor.

Mr. Schwinder then asked for a motion to adjourn the meeting, which was given by Mr. Goursky, seconded by Mr. Malone, approved by all.

Meeting adjourned at 7:20 p.m.

Respectfully submitted,  
Evan Kutzin  
Acting Secretary