

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
AUGUST 21, 2014**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:15 p.m. 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 Building. In the case of fire you will be instructed to follow the fire exit signs above the doors to the right and left of the Chambers, and exit calmly.

Pledge of Allegiance

Roll Call

Robert Adams	Absent
Thomas Callagee	Absent
Carlos Colina, Mayor	Absent
John DeThomasis	Present
Gary Goursky	Present
Mark Orecchio, Chairman	Present
Germaine Ortiz	Absent
Gary Schwinder, Vice Chairman	Present
Michael Wallace	Present
Richard Worthington, Council	Absent
Neil Tortora, Attorney	Present
Ryan Franco, Attorney	Present
Berge Tombalakian, Engineer	Present
Bridgette Bogart, Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW	Not Requested
Kathy Rizza, Secretary	Present

Minutes of July 17, 2014 were approved, as amended, on a motion from Mr. Schwinder, seconded by Mr. Goursky, and carried.

Vouchers

North Jersey Media – various publications - \$106.68
North Jersey Media – meeting notice - \$10.40
Boswell Eng. – No. Valley Developers - \$148.00
Boswell Eng. – Mrkic - \$153.00
Boswell Eng. – Machinski - \$153.00
Boswell Eng. – Isaac DeGenaars - \$382.50
Boswell Eng. – Valero - \$158.00
Bridgette Bogart, Planner - Valero - \$1,341.25

Correspondence

NJ Natural Resources Conservation Program – application for soil erosion 200 Kinderkamack Road.

County of Bergen – request for water supply information for 176 Kinderkamack Road.

Disc from the County regarding the Farmland Conservation Plan.

County application for the Hackensack Golf Club – conditional approval.

Letter from LaPatka Associates regarding flood hazard area verification and wetlands for Block 712, Lot 17

The above vouchers and correspondence were approved on a motion from Mr. Goursky, seconded by Mr. Wallace, and carried by all.

Resolutions:

**Emerson Affordable Housing, LLC
For Veterans Housing – 324 Main Street
Block 304, Lot 3**

A motion to approve the resolution was made by Mr. Wallace, seconded by Mr. DeThomasis, and carried by roll call vote as follows:

Mr. Schwinder	Yes
Mr. Goursky	Yes

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Chairman Orecchio	Yes

The above resolution will be published as required.

New Application:

**KBC Properties LLC/Kuiken Brothers
17 Chestnut Street
Block 405, Lot 14
Site Plan Approval**

Substituting Board Attorney Neil Tortora recused himself from this application and Ryan Franco of the same firm took over as Board Attorney. Attorney Gary Zalarick from 262 Palisade Avenue in Garfield represented the applicant. All notice and proof of publication was found to be satisfactory. The applicant is under contract with KBC Properties LLC and they are looking for a certificate of occupancy.

Mr. Douglas Kuiken of 304 Paul Court in Wyckoff was sworn in by Attorney Franco. Mr. Kuiken is the president of KBC Properties, LLC. His company has a retail location currently at 216 Kinderkamack Road in Emerson. This is a residential/commercial building material business. They wish to acquire 17 Chestnut Street for bulk storage of lumber, etc., not for retail purposes. There will not be a new showroom. They propose to add 3-5 new employees and have the exact same hours as the business on Kinderkamack Road – Monday-Friday 7-5 pm, Saturdays– 7 to noon and closed on Sundays.

Travel between the two sites may go through the existing gate on Lozier Avenue so that they would not have to use Kinderkamack Road as much. Customers could access the new site for pick-ups. Mr. Schwinder asked if Lozier Avenue could be used instead of Chestnut Street. He was told yes and that signage would be put up. Traffic flow was discussed among all Board members.

Chairman Orecchio asked if the structure would be changed. He was told no. There will be no change in lighting. There will be no rail access to this site. Mr. Tombalakian of Boswell Engineering stated that a schematic needs to be submitted for the Fire Department. Ms. Bogart, the Borough Planner stated that the proposed use is complimentary with the existing ordinance. The next step is to look at design issues. Mr. Schwinder asked if any more trucks will be stored on the new property. He was told no more than the existing 7 trucks. Unless business gets better there are no plans for additional truck storage. This is not a distribution center for other locations. There will be no tractor-trailer parking. Employees who currently park on Lozier Avenue will park at the Chestnut Street property. Mr. Kuiken was agreeable to the Borough eliminating parking on the Kuiken side of Lozier Avenue.

Chairman Orecchio stated that we need design standards for the Fire and Police Departments.

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

Ron Pierri – 268 Kinderkamack Road – concerned with noise from forklifts. He was told that forklifts will be operated on the other side of the property and inside. Mr. Pierri was also concerned with lighting. There will not be any additional lighting.

Michael Esqueu – 276 Kinderkamack Road – concerned with trees, landscaping and piles of wood at the site. He was told that this would be a Fire Prevention issue. Mr. Esqueu asked if the gate to the back of the property is going to remain. He was told yes. Mr. Esqueu also stated that he likes the store and the employees.

At this time the delivery truck route was discussed. Mr. Schwinder suggested going through Lozier Avenue. Mr. Kuiken stated that this will be attempted. Mr. Kuiken also stated that truck idling is not permitted. Mr. Schwinder stated that the Kuiken Brothers in Fairlawn is very well maintained and is also in a residential neighborhood. Mr. Schwinder also stated that Kuiken Brothers has been a good neighbor and that they are good for Emerson.

Janet Schultz – 167 Hasbrouck Avenue – asked if Mr. Dinardi will still be using the property for storage. She was told that this application is for a one use tenant only and that if additional tenants are requested the applicant would have to come back to the Board. Mrs. Schultz stated that her husband needs earplugs and headphones to limit the volume of loud noises due to a medical issue. She asked if there would be any repair of trucks at this site. The answer to this was no. Mrs. Schultz is concerned with the tarped area of Kuiken Brothers. She asked if there will be loud speakers – no, dumpsters? – yes, closer to the building. Mr. Schwinder asked Mr. Kuiken to please consider the neighbors and maybe to put a wall around the dumpster. There will be cutting of wood on the site, but no propane.

Jean Bovela – 155 Hasbrouck Avenue – has no problem with lighting, but forklift noise would be an issue.

Mr. Schwinder stated that the straight parking spots on Kinderkamack Road are very dangerous and asked if angled spaces could be done. He was told that angled spaces would cause a directional problem.

The public portion of the meeting was closed on a motion from Mr. Schwinder, seconded by Mr. DeThomasis.

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

Mr. DeThomasis	Yes
Mr. Wallace	Yes
Mr. Goursky	Yes
Mr. Schwinder	Yes
Chairman Orecchio	Yes

This approval will be for single tenant use with no additional retail and no showroom. The approval is conditional upon the Borough Engineer's satisfaction, along with Police and Fire Department approvals. The applicant must return to this Board for additional tenancy. The Mayor and Council will be requested to look at 'no parking' on Lozier

Avenue in this area. Deliveries will be directed as stated in the resolution. The resolution will be memorialized at the next meeting.

New Application:

**The Wise Family Trust
32 Bland Street
Block 213, Lot 6
Site Plan Approval**

Robert Maloof of 645 Westwood Avenue in River Vale is representing the applicant. This is a minor site plan application for a certificate of occupancy for use of 4 spaces in the same building. There will be 2 witnesses: Mr. Ted Wise, a Trustee and Nina Blanco, the Realtor. All notice and publication was found to be satisfactory.

Mr. Ted Wise of 597 Piermont Avenue was sworn in by Board Attorney Tortora. Exhibit A-1 consisting of 8 sheets was given to all present. Mr. Wise discussed past tenants in this building. The entire building was vacated in 2013. Tenant square footage was given for all spaces. The photos that were distributed were all explained as follows:

- 1 - looking south, 30 parking spaces, all on site plan
- 2 - looking west
- 3 - same as number 1 with solar light
- 4 - looking towards Marshalls
- 5 - looking south, shows parking on the north side
- 6 - Unit B
- 7 - cement masonry wall - Unit B
- 8 - Unit C with masonry walls

The roll off garage doors will be replaced. Multi tenant buildings in the neighborhood were discussed. Mr. Wise has been trying to lease this space for 18 months with no luck. The current tenant, Pascack Datacom, has been there for over 2 years. Mr. Wise stated that they are good tenants. There are bathrooms in the building. A temporary certificate of occupancy has been granted to J&K Mobile Sports. This space is being renovated. The entire building is being painted and sided. Mr. Tombalakian, the Borough engineer is concerned with the building

being under parked. Ms. Bogart, the Borough Planner, stated that a parking variance will be required. She stated that 68 spaces are needed for retail and 45 are needed for manufacturing. Mr. Schwinder stated that this building has multi-tenant history. A prior resolution could not be located. Attorney Maloof has noticed for any variances. The existing parking stalls are 10' x 20'. They will restripe for 9' x 18'. Mr. Tombalakian also noticed that there are no handicap spaces. Ms. Bogart recommends an entire new application. Parking was discussed in detail among all present. A new plan is needed. The dumpster location also needs to be shown.

This application will continue at the next meeting. No new notice is necessary.

Any Board Member/ Good and Welfare

The meeting was opened to the public on a motion from Mr. Goursky, seconded by Mr. Schwinder, and carried.

No one wished to be heard.

The meeting was closed to the public on a motion from Mr. Goursky, seconded by Mr. Wallace, and carried.

A motion to adjourn was made by Mr. Goursky, seconded by Mr. Schwinder, and carried.

Respectfully submitted,

Kathy Rizza, Secretary