

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
AUGUST 13, 2015**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the early work session portion of the meeting at 7:04 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.

Pledge of Allegiance

Roll Call:

Robert Adams	Absent
Thomas Callagee	Present
Michael DeOrio	Present
John DeThomasis	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Germaine Ortiz	Present
Gary Schwinder, Chairman	Present
Vincent Tripodi, Council	Absent
Steven Malone	Absent
Norman Rieger	Absent
Thomas Sudano	Present
Christopher Martin, MLUB Attorney	Present
Gary Ascolese, MLUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW Superintendent	Not Requested
Robert Hoffmann, Borough Admin.	Present
Kristi Giambona, Secretary	Present

During the work session portion of this meeting Ms. Brigette Bogart, Borough Planner, explained to the board the specifics of the Proposed 2015 Master Plan Amendment. She explained that master plan amendments and master plan reexamination reports are necessary to ensure that the municipality's planning policies, goals and resultant

zoning ordinances are up to date and relevant to the land use issues that the Borough deals with on a daily basis. As presented, the document addressed several planning areas that require attention. The six areas of focus include affordable housing, downtown redevelopment and supplemental zoning regulations, and general ordinance clean ups.

- 1) Affordable Housing
- 2) Linwood Avenue
- 3) Elimination of the Planned Commercial Development Zone from 1988
- 4) Updated Zoning ordinance to reflect current trends
- 5) The Emerson Golf Course
- 6) IM District on/by Chestnut and Bland

The board would like a Transit Village noted in the document. Ms. Bogart will add it to #2 in the document's second paragraph. The Master Plan Amendment document is for the MLUB to review and/or modify, and then approve. After the Board's approval, the document will be forwarded to the Mayor and Council for consideration and ordinance development.

The work session portion of this meeting was concluded at 7:50. A brief recess was taken and the meeting reconvened at 8:00 and was opened by Chairman Schwinder.

Roll Call:

Robert Adams	Absent
Thomas Callagee	Present
Michael DeOrio	Present
John DeThomasis	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Germaine Ortiz	Present
Gary Schwinder, Chairman	Present
Vincent Tripodi, Council	Absent
Steven Malone	Absent
Norman Rieger	Absent
Thomas Sudano	Present

Christopher Martin, MLUB Attorney	Present
Gary Ascolese, MLUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Joseph Solimando, DPW Superintendent	Not Requested
Robert Hoffmann, Borough Admin.	Present
Kristi Giambona, Secretary	Present

Vouchers:

There were no vouchers submitted for this meeting.

Correspondence:

A memo was received and read aloud by Chairman Schwinder from the Emerson Police Department regarding the Site Plan Review for the application for 36 First Street. There are no concerns from the traffic unit regarding the proposed plans.

Approval of Minutes:

The minutes from the January 8, 2015, May 21, 2015 and July 16, 2015 meetings were approved on a motion from Mr. Schwinder, seconded by Mayor Lamatina, and carried by all.

The first order of business was the Proposed 2015 Master Plan Amendment. Chairman Schwinder asked if there were any comments or questions from Board members as related to the just concluded presentation by Borough Planner Bogart. A motion was made by Mr. Goursky and seconded by Mr. Callagee, and carried by all with the exception of an abstention from Mayor Lamatina, to send the Proposed 2015 Master Plan Amendment to the Mayor and Council for consideration with the addition of the making plans to apply to the State of New Jersey for Transit Village status that could result in state grants for future improvements to the downtown.

This matter was opened to the public on a motion from Mr. Schwinder, seconded by Mr. Goursky and carried by all. As there was no

public comment, **the public portion was closed** on a motion from Mr. Callagee, seconded by Mrs. Ortiz, and carried by all.

Resolutions:

Kaley
33 Dogwood Lane
Block 325, Lot 16
Addition - Rear setback variance

The resolution was read by all and approved on a motion from Chairman Schwinder, seconded by Mr. Goursky, and carried by roll call vote as follows:

Mr. Goursky	Yes
Mr. Sudano	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

The resolution will be published as required, distributed and kept on file at Borough Hall.

Cottone
42 Emwood Drive
Block 319, Lot 8
Fence variance

The resolution was read by all and approved on a motion from Chairman Schwinder, seconded by Mr. Goursky, and carried by roll call vote as follows:

Mr. Goursky	Yes
Mr. Sudano	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

The resolution will be published as required, distributed and kept on file at Borough Hall.

Parisi
10 Rudolph Way
Block 1301, Lot 3.23
Addition – Side yard setback variance

The resolution states that a building permit will not be issued without all property requirements being rectified and approved by the borough engineer and the borough building official. The resolution was read by all and approved on a motion from Mayor Lamatina, seconded by Mr. Goursky, and carried by roll call vote as follows:

Mr. Goursky	Yes
Mr. Sudano	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

The resolution will be published as required, distributed and kept on file at Borough Hall.

Applications:

Spinella
15 Chandler Drive
Block 104, Lot 7
6' fence and additional variances at site

All notice and proof of service for this application was found to be satisfactory. Mr. and Mrs. Spinella were present on their own behalf. Mr. Ascolese requested to inspect the property with the applicant as previous inspections of the retaining wall and seepage pits were not properly conducted. The applicants were asked to consider a lower height for their fence as the 6' tall fence proposed for the top of the high block wall bordering their yard would be unsightly. Mr. Spinella agreed and therefore the application will be continued without prejudice at the September 3, 2015 Land Use Board meeting.

Northern Valley Developers
36 First Street
Block 725, Lot 4
Minor subdivision and additional set back variances on site

All notice and proof of service for this application was found to be satisfactory. Mr. Russell Huntington of Huntington Bailey at 373 Kinderkamack Road in Westwood was present as the Attorney for the applicant. Mr. George Buono of Northern Valley Developers was present as the applicant from 161 Randolph Avenue in Emerson. Mr. David Sudacki of Lapatka Associates at 12 Route 17 North in Paramus was present as the Engineer for the applicant. Mr. Huntington, Mr. Buono and Mr. Sudacki were all sworn in by Board Attorney Martin.

The applicant requested site plan approval of a minor subdivision plan to build two new single-family homes – one a 2,400 sq. ft. home and the other a 2,800 sq. ft. home. Both proposed homes consist of four bedrooms with 2 1/2 bathrooms.

Mr. Huntington presented a zoning map legend, marked as Exhibit A-1, the legend showed a 200 ft. radius of the proposed sub division of conforming and non-conforming properties. Exhibit A-2 is a photo of the existing home located at 36 First Street. The plan is to remove the current home, which is in severe disrepair, and replace with two new homes to enhance the area. Exhibit A-3 showed renditions of the proposed new homes. Exhibit A-4 showed examples of before and after photos of a project previously done by NV Developers that consisted of a lot sub division and the renovation of one home and construction of a new home at 26 & 30 Main Street in Emerson. Exhibit A-5 showed examples of before and after photos of a project previously done by NV Developers that consisted of a lot sub division and the construction of two new homes at 28 & 32 Spruce Street in Emerson.

Northern Valley Developers is requesting a bulk variance for proposed Lot 4.01 for an area of 5,300 sq. ft. and bulk variances for deficient lot width (53') and rear yard (30') is also being requested. For Lot 4.02, variances are also requested for lot width (75') and lot area (7,500 sq. ft.). Exhibit A-6 was presented by Mr. Sudacki showing a minor

subdivision plan prepared by Lapatka Associates for 36 First Street, dated May 7, 2015.

The applicant testified that the neighborhood in which he proposed to construct the two homes has many residences on lots with 50' frontage, so the proposed 53' wide lot would not be inconsistent with the look of surrounding properties.

Chairman Schwinder asked if Mr. Buono had considered making the lots two 75' wide lots? Mr. Buono replied that since one of the lots is a corner lot, with the set back guidelines he needed to move the home further in, away from the street.

Mr. Ascolese asked Mr. Buono if seepage pits would be installed at the site. Mr. Buono stated he would be willing to put them in if it is recommended.

This matter was opened to the public on a motion from Mr. Callagee, seconded by Mrs. Ortiz and carried by all. As there was no public comment, **the public portion was closed** to the public on a motion from Mr. Goursky, seconded by Mrs. Ortiz, and carried by all.

A motion was made to approve a minor subdivision and additional set back variances on site. This motion was made by Mr. Goursky, seconded by Mr. Callagee, and carried by roll call vote as follows:

Mr. Callagee	Yes
Mr. DeOrio	Yes
Mr. Goursky	Yes
Mrs. Ortiz	Yes
Mr. Sudano	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

The resolution will be read at the next meeting.

Any Board Member/ Good and Welfare:

Mayor Lamatina stated that Boswell Engineering has submitted the construction plans for downtown to the County.

Mr. Ascolese, Borough Engineer stated that PSE&G would be starting on pole relocations. He also showed the board a picture of what the streetlight posts will look like. Mr. Callagee asked if he had considered solar light posts? Mr. Ascolese said he would look into it.

A motion to open the meeting to the public was made by Mr. Sudano, seconded by Mayor Lamatina and carried by all. As there was no public comment, **the public portion was closed** on a motion from Mr. Callagee, seconded by Mrs. Ortiz, and carried by all.

A motion to adjourn was made by Mr. Callagee, seconded by Mrs. Ortiz, and carried by all.

Meeting adjourned at 9:56 p.m.

Respectfully submitted,

Kristi Giambona, Secretary