

**MUNICIPAL LAND USE BOARD MINUTES  
BOROUGH OF EMERSON  
DECEMBER 3, 2015**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Schwinder opened the meeting at 8:06 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	Present
Thomas Callagee	Absent
Michael DeOrio	Present
John DeThomasis	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Steven Malone	Present
Germaine Ortiz	Present
Norman Rieger	Absent
Thomas Sudano	Absent
Vincent Tripodi, Councilman	Present
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
Joseph Solimando, DPW Superintendent	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Kristi Giambona, Secretary	Present

**Vouchers:**

The following vouchers were approved on a motion from Mr. Goursky, seconded by Mr. Malone, and carried by all.

Boswell Engineering – \$39.50  
Boswell Engineering – \$39.50  
Boswell Engineering – \$39.50  
Boswell Engineering – \$79.00  
Boswell Engineering – \$158.00  
Boswell Engineering – \$158.00  
Boswell Engineering – \$276.50  
Boswell Engineering – \$553.00  
Boswell Engineering – \$79.00  
Bogart Planning & Design - \$281.25  
Bogart Planning & Design - \$556.47  
Bogart Planning & Design - \$797.50

**Approval of Minutes:**

The minutes from the November 5, 2015 meeting were approved on a motion from Mr. Goursky, seconded by Mrs. Ortiz, and carried by all.

**Resolutions:**

Mr. Martin, Board Attorney asked Mayor Lamatina to recuse himself during the vote on the 2015 Maser Plan Amendment.

Mr. Martin addressed two issues pertaining to the document. He reminded the Board that the vote on the 2015 Master Plan Amendment was made after agreement to remove the section on multi-family housing for Linwood Avenue (between Kinderkamack Road and Thomas Street). Mr. Martin also advised the Board of specific language included in the Resolution relating to the Emerson Golf Course property. The language reads: *However, a more detailed review of traffic and buffer impacts should be completed to determine the appropriate density for this type of development and this area should only be considered for multi-family after all other sites and areas identified in this document have been appropriately reviewed and considered.*

A motion from Mr. Goursky was made to approve the 2015 Master Plan Amendment dated November 5, 2015, seconded by Mr. Tripodi, and carried by roll call vote as follows:

Mr. Goursky	Yes
Mr. Malone	Yes
Mrs. Ortiz	Yes
Mr. Tripodi	Yes
Chairman Schwinder	Yes

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

**Applications:**

Bernius - 4' fence variance  
183 Palisade Avenue, Block 726, Lot 2

All notice and proof of service for this application was found to be satisfactory. Mr. Paul Bernius was present on his own behalf. The Borough Attorney swore in Mr. Paul Bernius of 183 Palisade Avenue. The property is a corner lot with the front of the home located on Palisade Avenue and the side of the home located on 2<sup>nd</sup> Avenue. Mr. Bernius is seeking a 4 ft. cedar panel fence to replace the current 4 ft. chain link fence. The fence height code is 3 feet. The current fence at the property is not in line with the house, which would also require a variance if new fence was put in the same place. A photo of the current fence was shown to board and marked as Exhibit A-1. Mr. Ascolese, Borough Engineer, mentioned that if the fence were to be placed in line with the front of the house (versus the current location of the existing fence which is closer to the front property line) then the fence could be any height. Mr. Bernius stated he was not willing to put the fence in line with his home. Chairman Schwinder inquired if the owner would consider installing the fence with a 5 ft. bump out from the house to be more esthetically pleasing, although he would still require a variance for height it would be in line with the set back codes. Mr. Bernius agreed to this compromise.

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

A motion was made to approve a 4 ft. fence height variance to be located 25 ft. from the property set back line. This motion was made by Mr. Goursky, seconded by Mr. DeThomasis, and carried by roll call vote as follows:

Mr. Adams	Yes
Mr. DeOrio	Yes
Me. DeThomasis	Yes
Mr. Goursky	Yes
Mr. Malone	Yes
Mrs. Ortiz	Yes
Mr. Tripodi	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

The resolution will be read at the next meeting.

### **Correspondence:**

Mr. Martin read a letter from Mr. Alan Bell, Attorney for the Armenian Home requesting an extension of one year (April 25, 2016 to April 25, 2017) for the completion of construction at the home. If the board grants this extension then Mr. Martin will prepare a resolution to be read at the next meeting.

**This matter was opened to the public** on a motion from Mayor Lamatina, 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 Mayor Lamatina, seconded by Mr. Tripodi, and carried by all.

A motion was made to approve an extension of the construction completion on the Armenian Home from April 25, 2016 to April 25, 2017. This motion was made by Mr. Adams, seconded by Mrs. Ortiz, and carried by roll call vote as follows:

Mr. Adams	Yes
Mr. DeOrio	Yes
Me. DeThomasis	Yes

Mr. Goursky	Yes
Mr. Malone	Yes
Mrs. Ortiz	Yes
Mr. Tripodi	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

**The meeting's public session was opened** on a motion from Mr. Goursky and seconded by Mr. Tripodi.

Mrs. Cathy Hornyak of 123 Palisade Avenue rose to speak as a member of the public. Mr. Martin asked Mayor Lamatina to recuse himself for public comment.

Mrs. Hornyak asked Mr. Martin, Board Attorney which law firm would represent the borough in a Mount Laurel suit if there were one. Mr. Martin responded that he could not speculate on that.

Mrs. Hornyak then mentioned that nothing was put in the Master Plan Amendment document regarding addressing specific areas for consideration on affordable housing. Mrs. Hornyak asked the board to put more thought into keeping the character of the small town.

**The public portion was closed** on a motion from Mr. Tripodi, seconded by Mr. Goursky, and carried by all.

**Any Board Member:**

Mr. Ascolese reviewed correspondence from the Bergen County Soil Conservation department. Mr. Ascolese believes this was sent in error to the Land Use Board and should have gone to the Borough Clerk. The letter is related to road repairs scheduled for Linwood and Main Streets. It has nothing to do with the Kinderkamack Road project. Mr. Ascolese will forward the letter to the Borough Clerk.

Mr. Schwinder asked Mr. DeThomasis if he was interested in becoming the Vice Chairman of the Land Use Board. Mr. DeThomasis responded that he was interested. A motion was made to approve Mr. DeThomasis as Vice Chairman of the Land Use Board by Chairman Schwinder, seconded by Mr. Adams, and carried by roll call vote as follows:

Mr. Adams	Yes
Mr. DeOrio	Yes
Me. DeThomasis	Yes
Mr. Goursky	Yes
Mr. Malone	Yes
Mrs. Ortiz	Yes
Mr. Tripodi	Yes
Mayor Lamatina	Yes
Chairman Schwinder	Yes

**Good and Welfare:**

Mr. Martin explained that the Zoning Official, Mr. Fullam, contacted him regarding Northern Valley Developers application for a lot subdivision on First Street and the resolution prepared did not address all the required variances requested by the applicant. The resolution reads that once the property is subdivided, the 1<sup>st</sup> property would be 53' wide and the 2<sup>nd</sup> property would be 75' wide. Mr. Fullam says a corner lot has to be 85' wide. Mr. Schwinder reiterated that at the time the Board voted on the application, all variance requests on this project were approved. A motion was made to give Mr. Martin the authority to modify the resolution to enable this application to move forward by Mr. Goursky, seconded by Mrs. Ortiz, and carried by all.

Mr. Ascolese updated the board that PSE&G is still placing the 27 new poles along both sides of Kinderkamack Road. Also, a 42" diameter drainage line will be installed by the train station to alleviate some of the flooding issues. The plans will be posted in Town Hall and in the Council Chambers for the public to view.

**A motion to adjourn** was made by Mayor Lamatina, seconded by Mrs. Ortiz, and carried by all.

Meeting adjourned at 9:42.

Respectfully submitted,  
 Kristi Giambona, Secretary