

**MUNICIPAL LAND USE BOARD
MINUTES
EMERSON, NEW JERSEY
FEBRUARY 20, 2014**

This meeting of the Municipal Land Use Board was held in the Municipal Building. Chairman Orecchio opened the meeting at 8:00 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 a fire, all were instructed to follow the Fire Exit signs above the doors to the right and left in the Council Chambers, and exit calmly.

Pledge of Allegiance

Roll Call:

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

Correspondence:

A letter was received regarding the retirement of Carol Dray, the Borough Clerk.
A memo was received from the Emerson Police Department regarding 200 Kinderkamack Road.
A letter was sent to the Emerson Golf Club regarding the abandonment of the application.

Vouchers:

Boswell Engineering – LC Developers - \$306.00
Boswell Engineering – 54 Auriccho and Elm Terrace - \$306.00
Boswell Engineering – 30 Highland Avenue - \$153.00

Boswell Engineering – Town and Country - \$153.00
Boswell Engineering – Zoning Map preparation - \$207.55
Gramco – 30% of bill for LUB - \$86.10
NJ Planning Officials – 2014 dues - \$315.00

Vouchers and correspondence were approved on a motion from Mr. Goursky, seconded by Mr. Schwinder, and carried.

Minutes: Minutes of February 6, 2014 were approved on a motion from Mr. Goursky, seconded by Mr. Wallace, and carried.

Resolution:

**Galeazza
166 High Street
Rear Addition and Deck
Block 421, Lot 3**

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

Mayor Colina	Yes
Mr. Wallace	Yes
Mr. Goursky	Yes
Chairman Orecchio	Yes

The resolution will be published, distributed and filed at Borough Hall as required by law.

Application continued:

**Town and Country Developers
New Home
70 Patrick Avenue
Block 901.02, Lot 9**

Russell Huntington was present as the Attorney for Town and Country Developers. Mr. Huntington explained Exhibit A-1 regarding the turn around area. Turning templates and the easement were discussed. The path for the residents was shown as 5' on the left side of the lot – the southerly side. It is proposed to be left in its natural state. Board Attorney Martin stated that the developer's agreement has been read and there is no limit on the use of the property, no restrictions. The cul de sac and the walkway are separate issues. Board Planner, Ms. Bogart feels that the walkway should be delineated and suggests a post and rail fence. Ms. Bogart does not recommend concrete or pea gravel. It was stated that there is a chain link fence on the other side that goes along the back yard. Regarding the cul de sac, Board Engineer Mr. Tombalakian stated that the turning radius

is sufficient, but needs to check with the RSIS standards on the width. Mr. Schwinder confirmed that location of the proposed cul de sac on the exhibit. He is concerned with the area becoming a wild area of growth. Chairman Orecchio asked if this area will be fenced off. Attorney Huntington responded yes. Dimensions and the proposed fencing were discussed. Mr. Tombalakian suggested having the easement line follow the curb. Mr. Schwinder feels it should all be asphalt. Regarding the walkway, Mr. Schwinder feels it should be curbed with macadam then there should be a fence and shrubbery. Mr. Huntington stated that it will be fenced off no matter what the shape is. Regarding the fence, 4' post and rail is the suggestion. Mr. Schwinder feels that the fence is to delineate the walkway. The new property owner will put up another fence or shrubbery. Mr. Huntington feels that at the time of construction of the new home the fence will be decided upon. A landscape plan will be done in the future when a builder is hired. The Board wants a proposed fence in the resolution. The developer will build a cul de sac improvement. Mr. Schwinder asked if the developer is obligated to build the improvement as per the RSIS standards. Ms. Bogart stated that the developer is obligated to go by the RSIS Standards book and that only the DCA can grant a waiver. Mr. Tombalakian spoke regarding the paved area behind the curb. Chairman Orecchio would rather not see grass here. Mr. Schwinder would like a fence then grass and landscaping. Mr. Huntington stated that the 'k' turn will be RSIS compliant subject to the Engineers approval. Mr. Schwinder was concerned that the fence will become the town's responsibility.

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

Kevin Bierne – 42 Tarnapoll – thanked Mr. Huntington for addressing his concerns. Would like the largest turn around possible. Mr. Bierne stated that he has drainage concerns.

Stacey Bierne – 42 Tarnapoll – concerned with the steep slope from their house up to the proposed new home.

The public session was closed on a motion from Mr. Schwinder, seconded by Mr. Goursky, and carried.

Mr. Schwinder made a motion to approve this application including the maximum sized paved turn around. He commended and thanked the applicant. Mr. Huntington stated that the turn around will be as represented on the plans – drawing #2. An easement line will be created to follow the curb line. Mr. Tombalakian stated that an end of road marker will be needed. It was stated that the Engineers involved can work out all details. All will be subject to the resolution prepared by Board Attorney Martin. The motion was seconded by Mr. Goursky, and was carried by roll call vote as follows:

Mayor Colina	Yes
Mr. Wallace	Yes
Mr. Goursky	Yes

Mr. Schwinder Yes
Chairman Orecchio Yes

The resolution will be read at the next meeting.

New Application:

**Tri-Tech Construction
200 Kinderkamack Road
Retail/Residential Mixed Use
Block 419, Lot 5**

Mr. Ira Weiner, an Attorney from Beattie Padavano was present in place of Antimo DelVecchio. Board Attorney Christopher Martin stated that all notification and proof of publication is sufficient. The Architect, Joseph Blundo of 14 Rte 4 West in River Edge was sworn in by Mr. Martin. Mr. Blundo is a licensed Architect since 1992 and has appeared before many boards for many years. He was accepted as an expert witness for this application. The application is for commercial use on the bottom and residential use on the second floor – a mixed use. Exhibit A-1 was presented – 3 pages showing the first floor footprint, elevations and second floor apartments. The building will be ‘L’ shaped. It is 46’ along Kinderkamack Road, 74’ in depth, and 2860 sq. ft. The first floor will be one large space with stairs to the second floor. The doors to the first floor will be on Kinderkamack Road and on the north side and the east side. The second floor will be comprised of two apartments each with two bedrooms and 2 bathrooms, a kitchen and a living room. One will be 1240 sq. ft. and one will be 1300 sq. ft. Sheet one shows the exterior of the building which will be masonry with copper roof projections. Rear elevations and the south side exterior were also shown. The building will be natural in color. The top dormers are for show. The apartments will have access to the attic. The breakdown of the first floor was discussed. If there are two retail stores both will have bathrooms but will not have basements. Mr. Schwinder asked if the apartments upstairs will have washers and dryers. He was told yes. It was stated that deliveries will be taken off Kinderkamack Road. The building will be 5’ from the Cork and Keg building and does not need to be sprinkled.

The Engineer, Mr. Michael Hubschman was next to testify. He is from 263 So. Washington Avenue in Bergenfield. Mr. Hubschman is a licensed Engineer and Planner. He was sworn in by Attorney Martin and accepted by all as an expert witness. Mr. Hubschman spoke regarding this block and lot being an abandoned gas station. Fourteen (14) parking spaces are proposed. The building is located between the Cork and Keg building and the new restaurant. The Ambulance Corps is to the rear of the site. The site is flat. The County has given preliminary approval. There are three (3) variances requested – one for the driveway width, 25’ to 24’, and the second and third are for setbacks from the parking spaces to the property line – 5’ is required, 2’ is proposed on one side and 0’ is proposed on the other side. There will be one handicapped parking space and the garbage receptacle will be fenced in – 8’ x10’. This will be in the rear. There will be a dumpster and recycling cans. This will be accessible for the garbage

company. It has not been determined if there will be assigned parking for the tenants. Lighting is shown on sheet 4 – there will be two (2) lanterns and two (2) lights on the building. Drainage was discussed.

Compliance with the Board Engineer and the Board Planner was discussed next. Ms. Bogart recommends grading and getting a cross access easement in the rear to the Ambulance building for the future. Mr. Hubschman stated that this is a big cost for the applicant and that he is not in favor of doing this. Mr. Martin stated that this is consistent with other developments in Emerson. The memo from the Police Department was read by the Chairman. Access to Kenneth Street was requested. Ms. Bogart stated that this is a county call since Kinderkamack Road is a county road. Mechanicals will be in the rear and on the side. There will be no fireplaces in the apartments. Landscaping was discussed. The units will be rentals, not owner occupied. Snow removal will be investigated and property maintenance was discussed. The lot is irregular in size which creates a hardship. There is no detriment, no negative impact. Mr. Schwinder asked for the driveway to be pointed out in relation to the driveway of the restaurant. He asked if it is too close. Mr. Tombalakian from Boswell Engineering stated that the driveway is 39' and that the County is ok with this. Drainage downspout locations were discussed. Ms. Bogart stated that the building is set back 5' for fire purposes and asked what will be in that 5' space – paving, gravel maybe? Mr. Schwinder asked if it could be a pedestrian walkway. Mr. Tombalakian stated that it is really an alley with utilities, not a good idea for pedestrians.

Mr. William Suser, the property owner, from 141 Grove Street in Ramsey was next to testify. The possibility of leaving a gap in the guardrail for pedestrians was discussed. A gate across the 5' area for safety may be warranted. The applicant has met with the County regarding flipping the building and having the driveway line up with Locust Street. Environmental compliance was discussed. Two wells will be abandoned and clean up will be done as required by law. Development can take place while sampling is done. A letter will be obtained from the DEP. Ms. Bogart asked if the building could be moved a little to the south to provide space for a tree. She was told this would be a big job, the driveway would have to be moved and the Applicant would have to go back to the County. There doesn't seem to be room for planting. Mr. Tombalakian would prefer the guardrail to be constructed of wood and the applicant agreed. The type of businesses allowed on the first floor and the required parking was discussed.

The meeting was opened to the public on a motion from Mr. Goursky, seconded by Mayor Colina and carried. With no one from the public wishing to be heard on this subject, **the meeting was closed** on a motion from Mr. Goursky, seconded by Mr. Schwinder and carried.

A motion to approve the application subject to all that was stated regarding the three requested variances, was made by Mr. Goursky, seconded by Mr. Schwinder and carried by roll call vote as follows:

Mayor Colina

Yes

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

The resolution will be read at the next meeting of the Board.

Any Board Member - none

Good and Welfare – none

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

Respectfully Submitted,

Kathleen S. Rizza, Secretary